



**STATE OF DELAWARE**

**WORKFORCE INNOVATION AND OPPORTUNITY ACT**

**NONDISCRIMINATION PLAN**

**JANUARY 2023-2025**

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## INTRODUCTION

Delaware's publicly funded workforce development system is a partner and demand driven system overseen by the Delaware Workforce Development Board (DWDB) composed of Required WIOA One Stop Partners (RWOSP) and optional service delivery partners. This plan represents Delaware's Non-discrimination Plan (NDP) in compliance with the Workforce Innovation Opportunity Act of 2014 (WIOA) and 29 CFR Part 38. This NDP reflects an evolution of the Delaware's publicly funded workforce development system. The plan is outlined by sections or *Elements* including footnotes highlighting relevant attachments to be found in the Appendix section of this plan document.

Delaware's workforce development partners serve a diversity of clients within an estimated population of 1.01 million Delawareans, as can be seen in the most recent US Census Bureau demographic data retrieved from [U.S. Census Bureau QuickFacts: Delaware](#) published July 1, 2021, in the table below:

Population Estimates, July 1 2021, (V2021)	1,003,384
PEOPLE	
Population	
Population Estimates, July 1 2021, (V2021)	1,003,384
Population estimates base, April 1, 2020, (V2021)	989,948
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	1.4%
Population, Census, April 1, 2020	989,948
Population, Census, April 1, 2010	897,934
Age and Sex	
Persons under 5 years, percent	5.3%
Persons under 18 years, percent	20.8%
Persons 65 years and over, percent	20.1%
Female persons, percent	51.4%
Race and Hispanic Origin	
White alone, percent	68.4%
Black or African American alone, percent (a)	23.6%
American Indian and Alaska Native alone, percent (a)	0.7%
Asian alone, percent (a)	4.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.1%
Two or More Races, percent	2.9%
Hispanic or Latino, percent (b)	10.1%
White alone, not Hispanic or Latino, percent	60.6%

Delaware has 13 partner organizations covering a variety of separate and independent service activities. All workforce development partners sign a Memorandum of Understanding (MOU) agreeing to perform certain functions in accordance with the Workforce Innovation Opportunity Act of 2014 (WIOA). Many have their own hierarchal structures, functional requirements, and policies. It is important to note; the Delaware's Division of Libraries are not required partners.

This non-discrimination plan does not intend to replace any partner organization's internal non-discrimination processes and policies, but rather augment those existing plans with collaborative guidance in accordance with provisions in the Workforce Innovation and Opportunity Act related to non-discrimination and performance accountability. Delaware's partners and programs are listed below:

## **DELAWARE'S ONE-STOP PARTNER ORGANIZATIONS AND PROGRAMS**

### **The Delaware Department of Labor, Division of Employment and Training**

- Workforce Innovation and Opportunity Act Statewide Activities
- Workforce Innovation and Opportunity Act Youth
- Workforce Innovation and Opportunity Act Adults & Dislocated Workers
- Workforce Innovation and Opportunity Act Wagner-Peyser Act
- Trade Act
- Workforce Innovation and Opportunity Act National Dislocated Worker Grant
- Local Veterans Employment Representative
- Disabled Veterans Outreach Program
- Ticket to Work Program administered by the Social Security Administration established under sec. 1148 of Social Security Act (42 U.S.C 1320b-19)

### **Delaware Department of Labor, Division of Vocational Rehabilitation**

- Title I of the Vocational Rehabilitation Act
- The Client Assistance Program (CAP) authorized under sec. 112 of the Rehabilitation Act of 1973 (29 U.S.C 732)

### **Delaware Department of Health and Social Services, Division for the Visually Impaired**

- Title I of the Vocational Rehabilitation Act

### **Delaware Department of Education**

- Adult Education and Literacy Activities authorized under Title II
- Post-Secondary Vocational Education Activities Authorized under the Carl D. Perkins Vocational and Applied Technology Act (20 USC 3201)

### **Delaware Department of Labor, Division of Unemployment Insurance**

- Programs Authorized under State Unemployment Compensation Laws (In accordance With Federal Law)

### **Delaware Department of Health and Social Services, Division of Social Services**

- Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq*)
- Supplemental Nutrition Assistance Program (SNAP) employment and training programs authorized under secs. 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C 732)

### **Delaware Department of Health and Social Services, Division of State Service Centers**

- Employment and Training Activities Carried out under the Community Services Block Grant (42 USC 9901)

### **Delaware Department of Health and Social Services, Division of Services for Aging and Adults with Physical Disabilities**

- Senior Community Service Employment Activities Authorized under title V of the Older

Americans Act of 1965 (42 USC 3056)

**The Delaware State Housing Authority**

- Employment and Training Activities carried out by the Department of Housing and Urban Development

**Wilmington Job Corps Center**

- Job Corps (Title I Subtitle C WIOA)

**Criminal Justice Council**

- Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C 17532)

**Delaware Department of Health and Social Services, Office of Financial Empowerment**

- Stand by Me

**Delaware Department of State**

- Division of Libraries
- Division of Small Business

## PURPOSE

This Section contains the Assurances that the Delaware Workforce Develop Board, Delaware Department of Labor, RWOSPs, any recipient, programs and activities that are part of the WIOA One-Stop delivery system and are operated by RWOSPs listed in this NDP, to the extent that the programs and activities are being conducted as a part of the One-Stop delivery system, and the employment practices of a recipient and/or WIOA One-Stop, as provided in 29 CFR 38.2 has the ability to comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR 38. Delaware is required to remain in compliance for the duration of the award of WIOA Title I funding.

### ELEMENT 1: ASSURANCES, (29 CFR 38.25-38.27)

The Delaware Workforce Development Board (DWDB) will ensure non-discrimination and equal opportunity provisions of WIOA are incorporated in all grants, cooperative agreements, contracts, or other similar applications for federal financial assistance under WIOA and ensure that the required Equal Opportunity (EO) assurance language is included in the State Strategic Plan. A copy of all grants, cooperative agreements, contracts, or other applications for federal assistance under WIOA will be provided by the DWDB upon request.

The regulations requires that recipients place the assurance in every grant, cooperative agreement, or contract for financial assistance under Title 1 of WIOA. Each grant applicant and training provider seeking eligibility must include the required EO assurance in its application.

Each grant applicant, and each training provider seeking eligibility, assures it has the ability to comply with the nondiscrimination and equal opportunity provisions of relevant laws. Section 188 of WIOA prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration or connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA. Applicants for financial assistance must include assurance that it can comply with and maintain compliance with the following. The written assurance must include the following language:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- **Section 188 of the WIOA**, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship, status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;



- **Title VI of the Civil Rights Act of 1964**, as amended, which prohibits discrimination on the basis of race, color, and national origin.
- **Section 504 of the Rehabilitation Act of 1973** as amended which prohibits discrimination against qualified individuals with disabilities.
- **The Age Discrimination Act of 1975** as amended which prohibits discrimination on the basis of age; and
- **Title IX of the Education Amendments of 1972**, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant recipient also assures compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIOA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIOA Title I financially assisted program or activity.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

The State will ensure that each grant applicant and training provider seeking eligibility assures that they are able to provide programmatic and architectural accessibility for individuals with disabilities. The State reserves the right to cancel any award or to remove any training provider from the Statewide list that does not provide programmatic and architectural accessibility as assured, as well as the right to conduct pre-award, on-site inspections of grant applicants to determine their accessibility to individuals with disabilities. State and Local EO Officers also conduct on-site inspections of their providers and contractors and may implement corrective actions or cancel contracts should problems be identified and not addressed accordingly.

The Delaware Department of Labor (DEDOL) includes the equal opportunity and nondiscrimination assurance statement set forth in 29 CFR § 38.25(a)(1) in all grants, cooperative agreements, contracts, and requests for proposals (RFPs) via a standardized form that contains federal and State certifications including the required EO assurance language. DEDOL policies, contracts, and other necessary materials or agreements are carefully reviewed by State EO Officers to ensure they are not discriminatory either in intent or effect.

The State Level EO Officer works in conjunction with other divisions and offices within DEDOL to ensure the policies are carefully crafted and properly reviewed. If the State or Local Equal Opportunity Officer discovers any problematic language or policy, it will be amended to meet WIOA compliance.

## **ELEMENT 2: DESIGNATION of STATEWIDE EQUAL OPPORTUNITY OFFICERS (29 CFR 38.28 -38.33)**

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The Governor must designate an individual as a State-level Equal Opportunity Officer (State-level EO Officer), who reports directly to the Governor and is responsible for State Program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA and this part, including but not limited to §§ 38.51, 38.53, 38.54, and 38.55 for State Programs. The State-level EO Officer must have staff and resources sufficient to carry out these requirements.

Every recipient except small recipients and service providers, as defined in § 38.4(hhh) and (ggg), must designate a recipient-level Equal Opportunity Officer (recipient-level EO Officer), who reports directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official. The recipient-level EO Officer must have staff and resources sufficient to carry out the requirements of this section and § 38.31. The responsibilities of small recipients and service providers are described in §§ 38.32 and 38.33.

### **State of Delaware Governor's WIOA Designee**

As of January 2021, Delaware Governor John Carney designated Delaware Department of Labor Secretary Karryl Hubbard as the State's designee. The Secretary of Labor reports directly to the Governor. The State and Local EO Officers will coordinate all efforts with Secretary Hubbard. Contact information for the Governor's WIOA designee is as follows:

#### **Karryl Hubbard**

Secretary, Delaware Department of Labor  
4425 N Market Street  
Wilmington, DE 19802  
Phone: (302) 761-8008  
[Karryl.Hubbard@Delaware.gov](mailto:Karryl.Hubbard@Delaware.gov)

Listed below is everyone designated as a State-level EO Officer and everyone designated as a Local level Equal Opportunity Officer, by name, position title, business address, and telephone number. **(29 CFR 32.28)**

### **The State Level EO Officer is pending Appointment.**

#### **Wanda Holifield**

WIOA Local Equal Opportunity Officer, Management Analyst  
Delaware Workforce Development Board  
4425 N. Market St.  
Fox Valley, Third Fl.  
Wilmington, DE 19802  
302-761-8160  
[Wanda.holifield@Delaware.gov](mailto:Wanda.holifield@Delaware.gov)



### **State Level Equal Opportunity Officer**

The State EO Officer is responsible for ensuring that all recipients receiving WIOA Title I financial assistance programs and activities are operated in a non-discriminatory manner and comply with the nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and 29 CFR Part 38.

The State Level EO Officer directs the statewide development, implementation, evaluation, and monitoring of all WIOA related equal employment opportunity and nondiscrimination plans, programs, and activities for all Department of Labor WIOA operating units, state contractors, and recipients of WIOA Title I funding.

### **The WIOA State Level EO Officer's contact information is as follows:**

#### **Pending Appointment**

#### **Duties of the WIOA State Level EO Officer**

Delaware is a single service delivery area and acts as both a state and local board. The State Level EO Officer's duties include, but are not limited to:

- Serving as DWDB AND Delaware DOL's liaison with the United States Department of Labor, (USDOL) Civil Rights Center (CRC).
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA and this part;
- Reviewing the recipients' written policies to ensure compliance with anti-discrimination laws.
- Developing and publishing the recipient's procedures for processing discrimination complaints under §§ 38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint; Undergoing training at DWDB's expense to maintain competency of the State Level EO Officer and Local Level EO Officer as required.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69; Conducting outreach and education about equal opportunity and nondiscrimination requirements and discrimination complaint filing procedures.

- Undergoing training (at the recipient's expense) to maintain competency as required by the Director; and
- If applicable, overseeing the development and implementation of the recipient's nondiscrimination plan under § 38.54.

### **Communicating the Identity of The State Level EO Officer**

The primary dissemination of the State Level EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice/poster<sup>1</sup>. The notice contains information including the State Level EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number.

The "Equal Opportunity Is the Law" notice is posted on the DWDB web site at <https://wib.delawareworks.com/> and the state Labor Exchange site <https://joblink.delaware.gov>

In addition, the identity of the State Level EO Officer is communicated to applicants, participants, employers, the public and employees by providing contact information, together with other information on EO rights, through the following means:

- Posting the notice "Equal Opportunity is the Law" prominently, in DOL American Job Centers and Department of Labor Offices throughout the State. The notice gives the contact information for the State and Local Level EO Officer, including name, address, e-mail address, telephone, fax, and TDD/TTY numbers. The notice is posted in English and other languages spoken by significant portions of the population of the area in which the notice is posted.
- Providing the "Equal Opportunity is the Law" notice to potential participants during the orientation and application process for employment and reemployment services.
- Publishing contact information for the State and Local Level EO Officer on the DWDB's and Delaware DOL's internet websites.

### **Requisite Skill and Authority of Equal Opportunity Officers (29 CFR 38.30)**

The State EO Officer is a senior level employee who has the knowledge, skills and abilities necessary to fulfill the responsibilities competently as described in this section. The body of knowledge includes knowledge of WIOA regulations, principles, and practices of compliance monitoring, as well as federal and state laws, rules, and regulations. In addition, the State Level EO Officer's body of knowledge includes the workforce system policies, computerized products used in tracking, performance reports, the monitoring of systems and processes, and compliance practices. The State EO Officer is a member of the Delaware Workforce Development Board of Directors and is a member of the Delaware WIOA Executive Leadership Team.

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<sup>1</sup> Appendix: *Element 2 – Equal Opportunity Is the Law Notice* (English and Spanish)

The State Level EO Officer scope of authority for ensuring compliance and monitoring equal opportunity and nondiscrimination extends to all WIOA related providers, programs and activities. The State EO Officer has the authority to set equal opportunity program priorities and make decisions regarding WIOA equal opportunity and nondiscrimination compliance, complaints of alleged discrimination and other related areas.

The State Level EO Officer provides oversight and assists in the following:

- a) Preparing monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance.
- b) Developing, coordinating, providing oversight, researching, analyzing data, preparing reports, revising policies and procedures for equal opportunity and civil rights as well as other communications relative to programmatic performance on assigned, WIOA One Stop Partner, and UI.
- c) Conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigation).
- d) Writing correspondence and reports regarding findings of investigations.
- e) Providing appropriate resource and referral information for complainants and for members of the general public relative to discrimination and employment law.
- f) Reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination.
- g) Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach.
- h) Initiating and coordinating meetings to provide information to or resolve issues with contractors, programs, or other groups both within and outside the department and/or the general public.
- i) Providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated DWDB, WIOA One Stop Partners and UI.
- j) Interpreting federal and state laws, regulations, policies, and procedures related to program services, as well as RWOSP, s, UI policies and procedures to ensure compliance with equal opportunity and civil rights.
- k) Overseeing and assisting the development and implementation of the recipient's Non-discrimination Plan under 29 CFR 38.54.
- l) Preparing and presenting Equal Opportunity information and/or concerns to executive management, directors, managers, and supervisors; and
- m) Performing equal opportunity related work as required.

### **Training of State Level EO Officer**

The State Level EO Officer's training will be sponsored by the DWDB. The State Level EO Officer will attend EO related trainings allowed by the DWDB administrative budget

to maintain competencies in order to oversee and assist in the development and implementation of Delaware's Non-discrimination Plan under Section 188 of WIOA and 29 CFR 38.54.

The State Level EO Officer will attend monthly, quarterly and/or annually sponsored Equal Opportunity trainings, as well as EO classes and training conferences offered through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), NASWA, and the U.S. Equal Employment Opportunity Commission (EEOC) to maintain competency.

### **Staff and Resources of the State Level EO Officer**

The State Level EO Officer is supported by one full-time State employee designated as the Local Level EO Officer from the Office of Delaware Workforce Development Board. The Local Level EO Officer will perform in partnership with the State Level EO Officer to ensure recipients of WIOA Tile 1 funds programs and activities operate in a non-discriminatory manner according to Section 188 of WIOA and 29 CFR Part 38 regulations.

### **Designated Local Level Equal Opportunity Officer**

The EO Officer must meet the requirements of 29 CFR § 38.30 which include the knowledge, skills and abilities necessary to fulfill the responsibilities competently as described in this section. The body of knowledge includes knowledge of WIOA regulations, principles, and practices of compliance monitoring, as well as federal and state laws, rules, and regulations including the requirement that they do not have other duties or responsibilities that could create a conflict, or the appearance of a conflict, with the responsibilities of a local EO Officer.

The Local Level EO Officer is identified as follows:

#### **Wanda Holifield**

Management Analyst II  
WIOA Local Equal Opportunity  
Delaware Workforce Development Board  
4425 N. Market St.  
Fox Valley, 3<sup>rd</sup> Fl.  
Wilmington, De 19802  
302-761-8160  
[Wanda.holifield@Delaware.gov](mailto:Wanda.holifield@Delaware.gov)

### **Duties of Local Level EO Officer**

While the Local Level EO Officer have other duties and responsibilities in addition to their EO responsibilities. Under 29 CFR § 38.30, these other duties or responsibilities must not create a conflict, or the appearance of a conflict, with the designee's responsibilities of a local EO Officer

**Local Level EO Officers' duties and responsibilities include, but are not limited to the following:**

- Serving as the recipient's liaison with the State Level EO Officer and the USDOL Civil Rights Center (CRC).
- Monitoring and investigating the WIOA grant recipients' and its subrecipients' activities to make sure that the WIOA grant recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under applicable federal law and must contain specific elements:
  - Receipt of the right to file grievance information for applicants and recipients
  - Records of discrimination complaint log reports and resolution
  - Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations
  - Appropriate signage and equal opportunity information presented in languages other than English
  - Review participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation
  - The State and Local Plan for nondiscrimination and equal opportunity provisions of the WIOA Section 188
  - Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of the WIOA
  - Programmatic and physical accessibility for disabled individuals to appropriately receive WIOA services
  - Staff and participant interviews
  - Review the recipient's policy and procedures to ensure they are not discriminatory
  - Review the procedures for obtaining prompt corrective action when applying sanctions when noncompliance is found
  - Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the sanctions
  - A statistical or quantifiable analysis of records and data collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to determine any differences based on race/ethnicity, sex, age, and disability status have practical or statistical significance. [Gender, LEP, and Preferred Language]
  - An investigation of any significant differences identified by the statistical or quantifiable analysis, to determine whether these differences appear to be caused by discrimination;
  - An assessment to determine whether the State and/or its recipients have fulfilled their administrative obligations under WIOA Section 188 and 29 CFR Part 38, such as recordkeeping and providing notice of communication. The CRC recommends a review of the State's and recipient's compliance with its obligations related to the support for its EO Officer;
  - Policy communication and training to effectively carry out regulatory responsibilities;

- Review of State's and its recipients' job training plans, contracts, assurances, and other similar documents and agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- Developing and publishing the recipient's procedures for processing discrimination complaints under §§ 38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint; Undergoing training at DWDB's expense to maintain competency of the State Level EO Officer and Local Level EO Officer as required.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69; Conducting outreach and education about equal opportunity and nondiscrimination requirements and discrimination complaint filing procedures.
- Overseeing and assisting the development and implementation of the recipient's Non-discrimination Plan under 29 CFR 38.54.
- Oversee the collection of EO data and information, including on LEP status and preferred language use.
- Ensure recipients obligation to actively conduct affirmative outreach in order to expand access to services.
- Provide technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated DWDB, WIOA One-Stop, and UI.
- Interpret federal and state laws, regulations, policies, and procedures related to WIOA program services and employment practices.
- Advising the State Level EO Officer about equal opportunity matters; and
- Undergoing training at the DWDB's expense

### **Making the Identity of Local Level EO Officer Known**

The names of the Local Level EO Officer are made known to applicants, participants, employers, the public and employees by the following methods:

- Posting the "Equal Opportunity is The Law" notice in local Career Centers and affiliate center offices. The notice gives the contact information for the WIOA EO



Officer and Local Level EO Officer, including the organization name, address, e-mail address, telephone, fax, and TDD/TTY numbers.

- Communicate the name of the Local Level EO Officer as follows:
  - in internal documents and memoranda and other written or electronic communications.
  - in providers employer posted notices.
  - by ensuring the above referenced Notice is made available to each participant.
  - by reviewing the content of the above referenced Notice with potential participants and participants during orientation and application processes, and
  - listing the Local Level EO Officer's name on the DEDOL and DWDB Internet website.

### **Training of Local Level EO Officer**

Federal regulations require the Local Level EO Officer to be sufficiently funded, administratively supported, and trained to maintain competency commensurate with the level of assignment, knowledge, skills, and abilities necessary to carry out their responsibilities.

The DWDB will make training available to the Local Level EO Officer in areas related to equal opportunity and non-discrimination in order to maintain their equal opportunity and nondiscrimination-related competencies in order to oversee and assist in the development and implementation of Delaware's Non-discrimination Plan under Section 188 of WIOA and 29 CFR 38.54. This training may include assistance from the Civil Rights Center, monthly, quarterly, and/or annually sponsored Equal Opportunity training, as well as EO classes and training conferences offered in person through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), Equal Employment Opportunity Commission (EEOC), and NASWA. Such trainings may include subject matter such as Section 504 of the Rehabilitation Act, Age Discrimination Act, Sexual Harassment and Diversity, Limited English Proficiency, Equal Employment Opportunity Principles and Practices, and American Disability Act Management Responsibilities. This training will help ensure the State and Local Level EO Officer understand the responsibilities required in the enforcement of equal opportunity and non-discrimination laws under WIOA.

Training delivery methods will include:

- Providing on-site, virtual, telephonic, or regional training or technical assistance.
- Sharing information, best practices, and resources.
- Communicating collaborative efforts and partnerships that promote Statewide EO accountability, ADA accessibility, and RWOSP equal opportunity and nondiscrimination monitoring activities; and

- The State Level EO Officer meets in person and/or communicates via email, telephone or virtual online meeting format with Local Level EO Officer to provide updates and technical assistance, new policies and procedures, recent regulation changes, training, and to discuss other pertinent information to maintain competency in EO matters.
- Training is conducted on a continuous basis to ensure that the Local Level EO Officer is provided the information necessary to carry out their EO responsibilities.
- State Level EO Officer and Delaware DOL conduct training or obtain trainers or contractors to provide training to the Local Level EO Officer on Equal Opportunity is the Law, Americans with Disabilities Act, WIOA Nondiscrimination Plan policy, and procedures and complaint investigation training, Sexual Harassment Prevention, and other related training and education as needed.

**Small Recipient Equal Opportunity Officer Obligations (29 CFR 38.32)**  
**Service Provider Equal Opportunity Officer Obligations (29 CFR 38.33)**

“Small recipient” service providers are those that serve fewer than 15 beneficiaries during the entire grant year *and* employ fewer than 15 employees on any given day during the grant year.

- Small recipient service providers according to 29 CFR 38.4, such as programs that receive WIOA Title I financial assistance through state or RWOSP’s grants, Individual providers, or entities selected and/or certified as an eligible provider of services, will work in conjunction with the Local Level EO Officer regarding matters of WIOA equal opportunity and nondiscrimination.
- Small recipients will be responsible for adopting and publishing the WIOA State level nondiscrimination plan and complaint procedures; and processing complaints pursuant to 29 CFR 38.72 through 38.75. As defined in the regulation,
- The Local Level EO Officer will ensure all WIOA Title I-funded small recipient and service provider meet compliance requirements under the law by providing regular guidance and technical assistance as requested.

### **ELEMENT 3: NOTICE AND COMMUNICATION (29 CFR 38.34 – 38.39)**

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#### **Initial Notification and Ongoing**

**Describe The methods and frequency of dissemination of the notice/poster, including initial dissemination. (29 CFR 38.34)**

The State ensures the establishment of a notice and communication system that is accessible to all registrants, beneficiary of, applicant to, or participant in programs financially assisted under Title 1 of the WIOA Act, applicants for employment, employees, and interested members of the public, including those with impaired vision or hearing, and Limited English Proficiency (LEP), making them aware of the WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

The "Equal Opportunity Is the Law" notice/poster (English and Spanish), will be distributed and/or in-person monitored annually and updated with new contact information when necessary and sent electronically, or by other methods, to American Job Centers and WIOA One-Stop. As changes occur, the EO Officers will send changes out electronically to all WIOA recipients.

The primary dissemination of the State and local EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice/poster, and Delaware Joblink. The notice contains information including the State and local EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number. Additionally, the State publishes a directory on <https://wib.delawareworks.com/> to locate the State and local EO Officer. Appropriate Notices are posted on the DWDB website at <https://wib.delawareworks.com/> and the state Labor Exchange site <https://Joblink.delaware.gov> .

**Describe the means by which the notice is made available to individuals with disabilities. (29 CFR 38.36)**

In the instructions for posting the "Equal Opportunity Is the Law" notice/poster, recipients and RWOSPs will read the notice/poster to anyone who requests assistance or when staff observe the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids will be obtained for an individual who requests an aide, or staff have observed the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, recorded texts, audio recordings, large print materials, and/or

other effective means of making visually delivered materials available to individuals with hearing impairments.

**Describe The means by which the State ensures that recipients post the notice/poster. (29 CFR 38.37)**

The EO Officers will notify each recipient in writing and/or during the initial or scheduled monitoring review as required under 29 CFR 38.36 to clearly display the “Equal Opportunity Is the Law” notice/poster prominently, in reasonable numbers and places, in available and conspicuous physical locations, and all facilities throughout the State where WIOA One-Stop, Unemployment Insurance, and WIOA Title I funded activities are conducted, including American Job Centers, and on the recipient’s Website pages.

The EO Officers will conduct on-site monitoring on an annual basis to ensure recipients have the required posters in place. Recipients will annually complete a self-evaluation of compliance with the Nondiscrimination Plan. The review includes a review of the required postings.

**Explain the means by which a copy of the notice is placed in the participant’s file (29 CFR 38.37), or where the files are maintained electronically, how the requirement of 38.31(a) is and will continue to be met.**

Recipients and RWOSP will maintain records in accordance with programmatic guidance and make available permanent records as needed.

State ensures that recruitment brochures and other materials routinely made available to the public include the statements “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities.” (29 CFR 38.34(a))

In accordance with 29 CFR 38.34, all recipient publications will include the equal opportunity policy statement that indicates the recipient is an “an equal opportunity employer/program”. Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services available upon request to individuals with disabilities”.

The State’s RWOSPs will include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts it disseminates. Each recipient is responsible for including the equal opportunity policy statement and the appropriate tag lines on all brochures, publications, web sites, and broadcasts. The State ensures each recipient follows this requirement during compliance reviews using the State’s “WIOA Equal Opportunity Monitoring and Assessment Form”.<sup>2</sup> Where a telephone number is included on recruitment brochures and other materials, the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments.

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<sup>2</sup> Appendix: *Element 7 – WIOA Equal Opportunity Monitoring and Assessment Form*

During the desk and/or on-site compliance reviews, the State checks each of the American Job Center sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing and visual impairments.

Delaware will require updates to any materials intended for public notification to ensure compliance with 29 CFR 38.15 is met.

**Describe The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (29 CFR 38.38)**

The State EO Officer will ensure that communications, offices, and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services available upon request to individuals with disabilities". All current available aides in the comprehensive offices throughout the State are to be maintained and staff trained in the One-Stop Centers to assist individuals with disabilities in using them.

The State requires that RWOSPs utilize an effective telecommunications system that ensures communication is as available to individuals with disabilities as other participants.

**Describe The means by which program-related information is published or broadcast in the news media (e.g., youth summer employment/training programs; job fairs) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. (29 CFR 38.38)**

As required by law under WIOA, all recipients of WIOA Title I financially assisted programs will advertise in their broadcasts or media publications that they are an equal opportunity employer/program with auxiliary aids and services available upon request for individuals with disabilities.

During desk reviews, EO Officer will check for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During desk reviews and on-site compliance reviews, the EO Officer will check each of the American Job Center sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program, and that auxiliary aids and services are available upon request to individuals with disabilities. The local recipient staff are trained to recognize and alert the appropriate EO Officer when an employer uses any discriminatory practices. The EO Officer will take the necessary corrective actions and appropriate enforcement remedies.

**Describe the manner in which and the extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of Limited English-Speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (29 CFR 38.40)**

It is the policy of the State to provide services and information in a language other than English for customers with Limited English Proficiency (LEP) in order to effectively communicate or enable those customers to participate in departmental programs or activities.

When it is determined that a significant proportion of the population eligible to be served are more likely to be directly affected by a program/activity needs information in a single language other than English, the Department of Labor or its WIOA One Stop Partner will translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State will provide interpreters for LEP customers who are not part of a significant group in order to provide the customer meaningful access to programs and services.

**Describe the manner in which and the extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR Part 38. (29 CFR 38.36)**

WIOA recipients will include a discussion of equal opportunity and non-discrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. Recipients will be required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIOA documentation in the participant's permanent file. The State Level EO Officer will as necessarily check the participant's permanent paper files or electronic records for these documents during the on-site monitoring.

**Describe the process the State uses to develop and communicate policy and conduct training regarding non-discrimination and equal opportunity. (29 CFR 3.25(c), and 38.54))**

- Delaware may use the monthly WIOA State Leadership and WIOA County Leadership team meetings as the forums for updating communications and conduct relevant trainings.
- The Local Level EO Officer will provide technical assistance and guidance to recipients on EO or nondiscrimination matters; and
- State Level EO Officer ensures that appropriate EO training for RWOSPs is provided. In most instances, training will be conducted by the State Level EO Officer and the Local Level EO Officer, however, when necessary, State Level EO Officer and the DWDB will secure certified training instructors or consultants, including those provided by the USDOL, to provide training to RWOSPs and their



staff. Training may also be provided to DEDOL State employees via the Delaware Statewide Learning Center and webinars.

- Recipients including RWOSP executives and managers will also ensure that nondiscrimination and equal opportunity training is provided. RWOSP executive officers and staff are encouraged to pursue EO training opportunities as they become available, including those from sources outside of the Delaware DOL, such as those developed by the State, and webinars presented by the USDOL, Employment and Training Administration (ETA), and Office of Civil Rights.

#### **ELEMENT 4: DATA AND INFORMATION COLLECTION and MAINTENANCE (29 CFR 38.41 - 38.45)**

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The State addresses how it and recipients will comply with the requirements of 29 CFR Part 38 related to data and information collection and maintenance. The State ensures a data and information collection and maintenance system, for all its recipients and federal financially assisted programs, are established and maintained. The system and format in which the records and data are kept is designed to allow the Governor and the Civil Rights Center (CRC) to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

The State's data and information collection will comply with the requirements of the Participant Individual Record Layout (PIRL) as published by the U.S. Department of Labor (USDOL). All RWOSPs are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to USDOL via the PIRL. All recipients are monitored annually by the State Level EO Officer and the UI EO Officer to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38.

##### **Collecting Demographic Data**

Delaware uses Delaware Joblink (DJL) for its Labor Exchange and WIOA programs. DJL was designed to comply with federal data collection and reporting requirements, including the reporting of EO information. All Employment Service and all WIOA Title I-B programs use the DJL.

WIOA One Stop Partners and Career Centers gather demographic information at the intake stage. Individuals are asked to complete a registration form that asks applicants to voluntarily provide their sex, age, race/ethnicity, and disability status. Updates to the DJL included an option for applicants to forego disclosing their race/ethnicity, disability status, or gender by selecting, "Not Disclosed". The baseline, or "customer core" data collected is also the data collected by RWOSP recipients in conformance with federal data collection requirements.

DEDOL maintains a central database for the Unemployment Insurance program. A claimant's sex, birth date, race/ethnicity, and disability status, if known, is collected via telephone or online and processed at DEDOL's Unemployment Insurance Claims Center.

Data collected for federal reports (including EO data) are maintained by DEDOL. This data is used by the State Level EO Officer and Local Level EO Officer staff members to monitor recipient EO performance.

**Discuss how all recipients collect and maintain records on applicants, registrants, eligible applicants/ registrants, participants, terminates, employees, and applicants for employment. (29 CFR 38.41)**

WIOA recipients and One Stop Partners collect the information during the eligibility process and update as needed throughout the individual's participation in federal programs and activities. Partners are responsible for maintaining records on applicants for employment as well as entering and maintaining data in the database system. The WIOA State Level EO Officer will check the data via a desk review of the records for a recipient prior to an on-site visit to compare the paper files against the database records for data validity. Most claimants in Delaware's publicly funded workforce system have an account in the state's labor exchange system Delaware Joblink ([www.joblink.delaware.gov](http://www.joblink.delaware.gov)).

**Discuss how all recipients record the race/ethnicity, sex, age, and disability status of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. (29 CFR 38.41)**

Recipients and RWOSPs collect the demographic (race, ethnicity, sex, age, and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. WIOA One Stop Partners maintain electronic files for each applicant, employee, and applicant for employment, and electronic records are kept for each registrant and participant for services.

Delaware is working with America's Job Link Alliance (AJLA) to collect LEP data consistent with 29 CFR 38.41(b)(2). Although the updated LEP requirements are not currently included in the PIRL, we do collect information that is consistent with LEP requirements. PIRL element 803 defines "English Language Learner at Program Entry" as a person who has limited ability in speaking, reading, writing, or understanding the English language. This is a mandatory field that is currently collected on each individual that registers for Wagner-Peyser and Title I service in Delaware. DOL-only PIRL element 804, Basic Skills Deficient/Low Levels of Literacy at Program Entry, is also collected on each individual, it provides the information needed to determine who is unable to compute and solve problems, or read, write, or speak English at a level necessary to function on the job, in the participant's family, or in society. We currently collect preferred language and are working with our vendor to implement this as a mandatory collection field in order to be consistent with 29 CFR 38.41(b)(2).

AJLA is an alliance of workforce organizations across multiple states partnering to produce a cost-effective system, and in order to maintain consistency with federal reporting requirements across programs and states, the specific LEP requirements need to be included in the PIRL to avoid incurring additional programming costs. In addition to collecting LEP data, OOWD has issued an LEP policy to further ensure LEP individuals have equal access to all programs.

**Describe how partners will treat records, particularly those containing medical information, in a manner that ensures their confidentiality. (29 CFR 32.15; and 29 CFR 38.41)**

The State provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant, or candidate for employment, etc.

When an applicant/participant for any federally funded services provides medical or psychological information to substantiate an eligibility determination or for reasonable accommodations for program participation, the information is kept in a confidential file separate from the participants' record file and in a locked cabinet.

Recipients will maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188. (29 CFR 38.54)

Complaints alleging discrimination with regard to race, color, sex, (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), sexual orientation, religion, age, disability, marital or veteran status, genetic information, political affiliation or belief, citizenship, or any other legally protected status, and/or participation in a WIOA 1B financially assisted program or activity are kept in a log as required by the Civil Rights Center. Complaints may be filed at the local level, the State level or with the CRC Director. The Local Level EO Officer notes each complaint filed in a DE WIOA Discrimination Complaint Log Sheet<sup>3</sup>. All Complaint Log Sheets are forwarded to the State Level EO Officer for documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint.

The Local Level EO Officer inform the State Level EO Officer about complaint investigations and submit complaint reports on at minimum, a quarterly basis. The State or Local EO Officer reports to CRC upon request.

**Describe how recipients maintain such records for a period of three years. (29 CFR 38.43(a))**

Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, will be maintained by recipients or sub-recipients for a period of three years from the close of the applicable program year, unless a complaint has been filed and is not yet resolved in which it will be a period of three years from the closure of the open complaint, in accordance with 29 CFR 38.43.

The EO Officers monitors for equal opportunity compliance by identifying areas and individuals or groups of individuals that appear to be discriminated against to assure

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<sup>3</sup> Appendix: *Element 8 – DE WIOA Discrimination Complaint Log Sheet*

compliance with WIOA Section 188 and 29 CFR Part 38.

RWOSPs will notify the DWDB EO Officer of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the basis prohibited by WIOA Section 188. (29 CFR 38.42)

The State, as well as each grant applicant and recipient, are required to promptly notify the Federal CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination with regard to race, color, sex, gender identity, sexual orientation, national origin, religion, age, disability, marital or veteran status, genetic information, political affiliation or belief, citizenship, or any other legally protected status. In addition, the State policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the State concurrently.

## **ELEMENT 5: AFFIRMATIVE OUTREACH (29 CFR 38.40 - 38.54(C)(1)(V))**

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The State will communicate the obligation of WIOA to broaden the composition of program participants and applicants of programs and other partner activities to ensure the participant pool is reflective of each county's demographic mix.

**Describe how recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.**

The DWDB, its required One-Stop Partners, and all recipients of Title 1 financial assistance will provide services to individuals with disabilities or refer them to appropriate partner, which can serve them best to mitigate barriers to employment and/or independent living through its referral system. Delaware consider accessibility both a physical space issue and an accessibility to technology issue. Both are a focus of Delaware's publicly funded workforce system. All WIOA One Stop Partners are physically and programmatically accessible to individuals with disabilities, as described in 29 CFR Part 38, the implementing regulations of WIOA Section 188.

For Delaware's WIOA One Stop Centers, technology is a key component in ensuring affirmative outreach by employing a number of strategies to include the following:

- Increased referral services,
- A no "wrong door" entry system,
- Access to services for persons of all levels of computer literacy; and
- Assistance in using the self-service component of the One-Stop Center.

All recipients and sub-recipients will work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Strategies to address individual needs include assessments of skills and abilities, basic skills programs, occupational skill training, job analyses, job accommodations, disability awareness training, and other activities that address barriers and support achievement of positive employment outcome. Individuals with multiple barriers to employment are offered a continuum of education, job training, career counseling and job development to enhance attainment and retention of employment. To enhance the employability skill of individuals with disabilities.

WIOA One-Stop Centers and providers assure:

- Priority of services for Veterans, and eligible spouses
- Priorities of services for participants beyond the self-service phase are implemented
- Representation of individuals with disabilities on staff, where feasible
- Cross-training of staff
- Disability awareness training for staff



- Outreach programs for individuals with disabilities
- Technical assistance to employers including information regarding ADA requirements

Delaware is working to ensure that Reasonable efforts to include protected groups, such as persons of different sexes, various racial, ethnic/national origin, and religious groups, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups are evident and ongoing to have equal access to WIOA Title I-financially assisted programs and activities. Such affirmative outreach efforts include, but are not limited to serving the following target populations:

- Special needs participants
- Individuals with disabilities
- Persons training for nontraditional employment
- Displaced homemakers
- Eligible migrant and seasonal farmworkers
- Ex-offenders
- Homeless individuals
- Individuals facing substantial cultural barriers
- Individuals with disabilities, including youth with disabilities
- Public assistance recipients
- Older individuals
- Persons with Limited English-speaking ability
- Individuals who are unemployed, including the long-term unemployed
- Women
- Minorities
- Lesbian, Gay, Bisexual, Transgender & Queer (LGBTQ) communities
- Individuals who have low levels of literacy
- Individuals without a high school diploma
- Low income individuals (including TANF and SNAP recipients)
- Veterans
- Persons with multiple barriers to employment
- Long-term unemployed individuals
- Native Americans, Alaska Natives, and Native Hawaiians
- Single parents (including single pregnant women and non-custodial parents); and

- Youth who are in or have aged out of the foster care system.

Recipients and their service providers strive to provide access to services to clients of both sexes, LGBTQ, the various race, ethnic and age groups, individuals with disabilities as well as individuals with Limited English Proficiency (LEP) which includes:

- Publicity materials (brochures, letters) designed to provide an overview of employment services to the general public
- Participation in local and statewide job-related events
- Coordination and involvement with various agencies, committees, task forces, and projects that focus on employment-related functions, and Wagner-Peyser special programs for targeted groups (e.g., Veterans, Youth, Dislocated Workers, etc.)

WIOA recipients and One-Stop Partners will take, or will have taken the following actions to ensure affirmative outreach:

- Signs posted to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services.
- Individuals and organizations will/or have been identified and are available if assistance is needed to provide services or information in a language other than English, and written procedures are available to staff to assist LEP individuals.
- Employees who have skills in languages other than English have identified themselves and offered their services in assisting any customers by providing instruction, conveying information, or assisting with completing forms.
- Contacts have been developed and maintained with community-based organizations and advocacy groups to ensure the center meets the specific needs of each constituency.
- Coordination linkages with other federal, state, and local agencies serving the various segments of the populations have been developed.
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of One-Stop Centers.
- On-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns have encouraged employer use of Delaware's workforce system; and
- Delaware Works, a proud partner of the American Joblink Alliance, is the statewide workforce development network that helps employers of all sizes and types recruit, develop and retain the best employees for their needs.

**Describe How the State will monitor and evaluate the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.**

The State will take reasonable steps to ensure that policies and procedures do not deny equal access to individuals with Limited English Proficiency (LEP) and. The State implements, evaluates, and documents programs, activities, and services to customers with LEP.

The EO Officers will be responsible for monitoring recipient programs and ensuring compliance with the affirmative outreach element of non-discrimination and equal opportunity provisions of Section 188 of WIOA. The State continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections.

The State will annually monitor the recipients to measure the effectiveness of their efforts to serve and employ a diverse population, including members of genders, various racial, ethnic and age groups, and individuals with disabilities.

In the selection of center locations, consideration is given to accessibility to members of the general population for all programs, services, and benefits.

Current State practices designed to broaden the composition of those considered for participation and employment at the One-Stop Centers will include the following:

- Identification of staff with bilingual skills
- Information exchange and collaboration with community organizations regarding translators, interpreters, and resources for LEP
- Publication of selected materials in languages other than English
- Use of interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.

The State uses an Equal Opportunity Monitoring and Assessment tool<sup>4</sup> to ensure that all recipients are kept cognizant of their Affirmative Outreach obligations by inquiring into their process of broadening the participation in their programs.

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<sup>4</sup> Appendix: *Element 7 – WIOA Equal Opportunity Monitoring and Assessment Form*

## **ELEMENT 6: COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED and 29 CFR PART 38 (29 CFR 38.54)**

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Delaware is committed to making all services, facilities, and information accessible for individuals with disabilities. State law ensures that individuals with disabilities are afforded an equal opportunity to receive program benefits and services and that they are not discriminated against in the process. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system.

To reinforce this commitment, all recipients and service providers will be required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIOA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR Part 32 and Part 38.

- The State Level EO Officer and Local Level EO Officer provide training and education to assist the American Job Centers in building systems that enable the American Job Centers to meet the needs of all individuals with disabilities.
- DEDOL's provide internal training for both State and local staff.
- Monitoring activities conducted by State Level EO Officer and Local Level EO Officer assure that barriers preventing access to programs and services for those who are disabled are removed.
- Providing Unemployment Insurance handouts that contain EO information.
- DEDOL and Career Center websites provide information regarding the EO rights of individuals with disabilities.
- The assurance language is incorporated into all grants, cooperative agreements, contracts, and RFPs, and assures that recipients of federal financial assistance will comply with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.

### **Describe How Delaware will meet its obligation not to discriminate on the basis of disability. (29 CFR 32.12(a), 32.26, and 38.6)**

Delaware's RWOSPs, and its WIOA EO Officer – in coordination with the Division Vocational Rehabilitation (DVR) – will jointly act as the WIOA ADA Coordination team to oversee ADA efforts, as required.

Recipients will establish policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication, and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans, when necessary that are developed to ensure compliance with obligations not to discriminate on the basis of disability and to provide reasonable accommodations.

When the WIOA One Stop Partners enter into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language. This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensure the DWDB and WIOA One Stop Partners, Wagner Peyser (WP), and UI continue to meet their requirements not to discriminate. WIOA One Stop partners will conduct site assessments in accordance with the ADA Checklist for Existing Facilities. In the written contracts Terms and Conditions require all contractors meet the requirements of the ADA.

Delaware's Demand Driven Four Year Plan 2020 - 2023 supports the needs of persons with disabilities in preparing for, obtaining, and maintaining employment within the Workforce System.

Delaware WIOA One Stop Partners will complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities. The EO Officers and One Stop Partners will be trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the recipients include documentation where all areas are reviewed. If any area(s) of noncompliance findings are noted, the Local Level EO Officer must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations, and technical assistance, if requested.

**Describe how Delaware will provide reasonable accommodation for individuals with disabilities. (29 CFR 32 and 29 CFR 38.14)**

Delaware will provide reasonable accommodation with regard to any aid, benefit, service, training, and employment, to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment. The DWDB and the RWOSP will work in conjunction with the Division of Vocational Rehabilitation (DVR) and the Division of the Visually impaired to (DVI) as technical experts. These two divisions provide insight on best practices, which can serve them best to mitigate barriers to employment and/or independent living through its referral system.

**Describe how Delaware will provide reasonable modification of policies, practices, and procedures as required. (29 CFR 38.14)**

Title II of the ADA requires that programs, services, and activities of State and local governments are accessible to and usable by individuals with disabilities. The State provides general guidance on reasonable accommodation for program participants, and fair and equal access to communication for individuals with disabilities.

**Describe how Delaware will provide architectural accessibility for individuals with disabilities.**

The Division of Vocational Rehabilitation will perform periodic annual site visits to ensure a facility remains in compliance unless compliance issues require more frequent visits. The ADA Checklist for Readily Achievable Barrier Removal, is utilized as a field evaluation. Site reviews for accessibility to individuals with disabilities include wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and TTY-TDD or Relay Services.

**Describe How the State plans provide for communication and program accessibility for individuals with disabilities.**

Entities within the One Stop delivery system, including system/center operators and partners, comply with Section 188 of WIOA, if applicable, and the appropriate provisions of ADA regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

The DWDB and the WIOA One Stop Partners are committed to complying with the requirements of WIOA Section 188 and the ADA to maximize access for people with disabilities. Entities within the one-stop delivery system will comply with WIOA Section 188 and the ADA by implementing policies, procedures, protocols, and practices for programmatic accessibility of facilities, programs, and services. The One-Stop Centers will comply with the ADA by promoting inclusion, choice, and accessibility.

The State is committed to working with our partners to expand access to employment and training, education, and supportive service. The State will encourage and promote continued education and training on topics related to Section 188 and ADA programmatic.

The State does utilize auxiliary aids and a telephone system (7-1-1) that meets this “equally effective” requirement. These aids include but are not limited to TTY/TDD services for those individuals that rely on these services.

**Explain how Delaware provides for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.**

State job postings for hiring are reviewed by the Delaware Department of Human Resources, and the Delaware Department of Labor HR Section to ensure compliance.

Employers utilizing Delaware Joblink to enter jobs are notified that job listings must satisfy non-discrimination requirements.

**Describe how the state will limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (29 CFR 32.41)**

Pre-employment/employment medical inquiries are limited to those permitted by and in



accordance with WIOA Section 188 and ADA Section 504. All questions regarding the nature and severity of any disability are generally prohibited. Any response is voluntary and does not change the scope of services available for the customer.

**Describe how the state will Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (29 CFR 32.41)**

The Code of Federal Regulations provides rules for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post- offer medical examination or inquiry may be provided to and used by appropriate decision- makers involved in the hiring process in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) in order to make employment decisions consistent with the ADA. Staff are allowed limited access to relevant confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made).

**Describe how WIOA Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.**

The DWDB and the RWOSPs will ensure individuals with disabilities participate in the most integrated setting appropriate to each individual. DVR/DVI has supplied the One-Stop Centers with equipment and staff resources to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers.

**Describe how persons with disabilities are able to effectively communicate others. (29 CFR 38.9)**

Communicating successfully is essential to providing services to the public or doing business. People with certain disabilities might communicate in different ways. State/local governments, businesses, and nonprofit organizations must make sure they communicate effectively with people who have communication disabilities. Because the nature of communication differs from situation to situation, effective solutions may differ. Assistive technology is available to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients are able to communicate with persons with disabilities as effectively as with others. DVR will work with all the WIOA One-Stop Partners to ensure effective communication with persons with disabilities by assessing an individual's needs.

## **ELEMENT 7: MONITORING RECIPIENTS FOR COMPLIANCE**

### **(29 CFR 38.54(c)(1)(viii))**

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The State ensures compliance with its administrative obligations under the WIOA Sections 188 and 29 CFR Part 38 during the monitoring process. Monitoring is conducted by the State and Local Level EO Officers. Delaware will use desk and field reviews to determine a recipient's compliance with the provisions of WIOA Section 188. These reviews check for compliance with the administrative obligations including assurances in contracts and agreements, notices, brochures, and communication responsibilities under the State's NDP, as well as its programs and activities.

The state will monitor recipients to ensure their programs and activities are operating in a non-discriminatory manner and must include, at a minimum:

- Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under § 38.91(b)
- Annually monitoring the compliance of recipients with WIOA section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum, each annual monitoring review required by this paragraph must include:
  - Analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to determine whether any differences based upon race, ethnicity, sex, age, and disability have practical or statistical significance
  - Where significant differences are found, follow-up investigations are done
  - The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA

In order to ensure that WIOA Title I financially assisted programs and/or activities are operating in a non-discriminatory manner, the State's monitoring regimen will include a desk analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45. This analysis, conducted by the EO Officer or designees should determine if any differences based upon race, ethnicity, sex, age, or disability exist and whether such differences have a practical or statistical significance. Complying with the administrative obligations of 29 CFR 38 includes but is not limited to:

#### **Assurances (29 CFR 38.25 through 38.27)**

Assurances are required to be provided by the DWDB in Delaware's State Plan. This includes the assurance that the State will comply with the nondiscrimination provisions of Section 188 of WIOA and 29 CFR Part 38. The assurance is incorporated into every

grant, cooperative agreement, contract, or other agreement, including those for grant applicants and training providers seeking eligibility (See Element 1).

The State Level EO Officer and Local Level EO Officer monitor WIOA One Stop Partners and request samples of job training plans, contracts and other agreements and will review them to see that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

#### **Equal Opportunity Officers (29 CFR 38.28 through 29 CFR 38.32)**

EO Officers are listed in Element One: Designation of State and local level Equal Opportunity Officers. The State Level EO Officer and Local Level EO Officer conducts compliance reviews to ensure adherence to the regulations. When necessary, monitoring reviews are conducted to assess small recipients to determine their compliance through the designation of an individual who will be responsible for developing and publishing complaint procedures and processing complaints.

#### **Notice and Communication (29 CFR 38.34 through 29 CFR 38.39)**

“Equal Opportunity Is the Law” notices are listed in Element Two: Notice and Communication. The State Level EO Officer and Local Level EO Officer will monitor recipients to determine that their equal opportunity notice/poster is disseminated in accordance with 29 CFR §§ 38.29 through 38.36. (See Element 2).

#### **Affirmative Outreach (29 CFR 38.40)**

Affirmative Outreach is addressed in Element Four to ensure that recipients are required to provide equal access to their programs and activities to include various groups that are protected by these regulations.

Recipients and WIOA One Stop Partners are monitored to determine if they have taken appropriate steps to ensure that they are providing universal access to their WIOA Title I-financially assisted programs and activities. (See Element 4).

#### **Governor's Oversight Regarding Recipients' Recordkeeping (29 CFR 38.53)**

The Governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of § 38.41 and any procedures prescribed by the Director under § 38.41(a). The Governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

#### **Data and Information Collection and Maintenance (29 CFR 38.41)**

Data and information collection and maintenance are kept in a system that allows the Governor to conduct analysis for a period of not less than three years from the close of the applicable program year as described in Element Six: Data Information Collection and Maintenance.

### **Complaint Processing Procedures (29 CFR38.72)**

The State provides a uniform non-discrimination and equal opportunity complaint process and complaint processing procedure. All recipients and sub-recipients must adopt these procedures which meet the requirements of 29 CFR 38.70 through 29 CFR 38.80. (See Element 8).

### **Compliance Reviews**

The State Level EO Officer and Local Level EO Officer will conduct compliance reviews of standalone WIOA One Stop Partners Offices, Careers Centers, DWDB, (including entities that administer WIOA funds), and all recipients of WIOA Title 1 funds, on an annual basis. The reviewer will notify the appropriate parties of the on-site review approximately 30 days before the scheduled visit.

Monitoring includes an evaluation the extent to which recipients ensure that their programs, activities, and employment practices are operating in a nondiscriminatory manner through:

- Desk Audits
- Observation of Program Activities
- Interviewing
- Review of Significant Differences
- Review of Recipient Services
- Review of Recipient Employment Practices
- Review of Documentation
- Record Analysis
- Off-site Analysis
- Corrective Action and Sanctions

Additionally, Local Level EO Officer provide oversight and compliance monitoring for programs operating under their jurisdiction. EO Officers conduct monitoring/compliance reviews on an annual basis.

### **Ensuring Policy Development, Communication, and Training are Carried Out**

The State Level EO Officer and RWOSP staff members conduct on-site compliance reviews that include physical reviews of non-discrimination policies, procedures, and communications, including Internet websites. (See Element 7).

### **Data Analysis**

The State Level EO Officer or Local Level EO Officer conduct a desk audit of the program using Census data, and data prepared by the DEDOL's statistics that provide

EO characteristics of employment services participants by race, gender, age, disability, veteran's status, and worker status. This data is used to analyze the under or over-representation of particular classes. Significant variances may represent problem areas on which to focus the onsite review. The desk audit will assess and draw comparisons, where appropriate, for:

- Applicants
- Eligible applicants
- Employees and applicants for employment
- For terminations
- For those entering employment, wage rate and length of employment

The State Level EO Officer and RWOSP staff members review the data to see if there has been any adverse impact on any group, and if there is a "disparity" between the way a group was represented in the delivery of services or participation in a program, or if there is any disparate treatment that may exist between protected classes versus non-protected classes.

If any significant differences are discovered during the desk review technical assistance is offered and corrective measures are determined.

### **Written Reports**

The Local Level EO Officer will submit a copy of the written report to the State Level EO Officer and the Director of the CRC upon request. The State Level EO Officer and Local Level EO Officer work with recipients to identify problem areas and to develop a plan for corrective action where deficiencies are found.

### **Sanctions and Corrective Actions**

See, Element 9 for detailed procedures to prevent and/or redress violations of the non-discrimination and EO provisions of WIOA and the implementing regulations.

### **Conducting Equal Opportunity monitoring and evaluation, review of applicants for and recipients of WIOA Title I financial assistance (including assurance of programmatic and architectural accessibility).**

The State, through its monitoring process, determines if applicants for and recipients of WIOA Title I financial assistance from or through the DWDB, including sub-recipient agencies are complying.

- Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations
- Appropriate signage and equal opportunity information presented in languages other than English

- Review participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation
- Review records of local discrimination complaints reports and resolutions
- The State and Local Plan for non-discrimination and equal opportunity provisions of the WIOA Section 188
- Contractual assurances of compliance with the non-discrimination and equal opportunity provisions of the WIOA
- Programmatic and physical accessibility for disabled individuals to appropriately receive WIOA services
- Staff and participant interviews
- Review of the recipient's policy and procedures to ensure they are not discriminatory
- Review the procedures for obtaining prompt corrective action when applying sanction when noncompliance is found
- Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the sanctions

Delaware will write an annual monitoring report identifying all discrepancies found and the actions required to address each specific discrepancy. Each EO Officer is responsible for monitoring these elements, not only in their internal service delivery system but also for any and all recipients who provide WIOA Title I funded services or activities.

**Describe how the state will impose sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.**

The State Level EO Officer issues a report summarizing all non-compliance issues found during annual monitoring. These issues are then put into a Corrective Action Plan with timelines that each WIOA One stop Partner is responsible for implementing. When implementation of a Corrective Action Plan is incomplete by the specified deadline, the state will issue appropriate sanctions based on the severity of the non-compliance issues identified in the Corrective Action Plans.

**Describe how Delaware ensures policy development, communication, and training are implemented.**

State policies and procedures will be posted on the DWDB and DEDOL websites. Additionally, policy changes and updates are sent via email to all RWOSPs, staff, ETPs, service providers, contractors, and sub-contractors.

**Describe how Delaware ensures the federal programs and activities are operating in a nondiscriminatory manner and provide equal opportunity, including but not limited to:**

- Conducting analyses by race, ethnicity, sex, age and disability of program and

employment activity including but not limited to rates of application, placement, and termination, to determine if significant differences exist; and

- Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual and eligible registrants, applicants, employees and applicants for employment, interviews, and other appropriate techniques.

The statewide internet-based workforce data reporting system, Delaware JobLink, allows for necessary reports to identify issues regarding equal opportunity and non-discrimination.

These reports will be used to calculate service performance based on standard deviation for each of the applicant groups with respect to service delivery such as job referrals, referred to training, entered employment, placements, and wages.

The UI program housed at Delaware DOL, collects information when initial unemployment claims are filed. Records are maintained on each claimant in a secure system. Data is stored in secure UI databases. Stored data is used to conduct analyses to determine whether any discriminatory issues exist. If any discriminatory issues exist, the Local Level EO Officer will work with the State Level EO Officer to address them pursuant to policy.

**Describe the procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 38.5 through 38.10.**

The EO Officer conducts a desk audit prior to on-site monitoring to review and analyze program materials, student and employee handbooks, websites, and other available documents to ensure no discrimination is occurring in program policies and procedures. Plans must have the following assurances:

- Compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA and the Current State of Delaware Non-discrimination Plan (NDP);
- The DWDB will describe how each One Stop Center will ensure compliance with Equal Opportunity and Americans with Disabilities;
- The DWDB will provide the initial and ongoing contact information and identification of the Local, State EO Officers available in all facilities used to conduct WIOA Title I funded trainings, programs, and activities;
- RWOSPs are required to publish the WIOA Equal Opportunity and Non-discrimination Complaint policy and procedures and the "tagline", (equal opportunity employer/program. Auxiliary aids and services are available upon requests for individuals with disabilities) on their website.

The State Level EO Officers will conduct interviews, as needed, as a part of the monitoring process.

**Discuss how written reports prepared for each review must provide, among other things that the results of the monitoring review will be made available to the recipient(s) reviewed.**

At the conclusion of the review, the State Level EO Officer or designee conducts an exit interview with the recipient or pertinent recipient staff and the RWOSP director or designee. This conference is a brief discussion of issues or discrepancies identified during the course of the monitoring review.

An EO Monitoring Review Report is written by the EO Officer conducting the review. The report identifies areas in which the WIOA recipient(s) is out of or could be out of compliance (discrepancies) and other areas of concern. The EO Monitoring Review Report may also make recommendations for corrective actions needed to correct deficiencies.

The recipient will maintain communication with the State or Local EO Officer conducting the review until all equal opportunity related discrepancies have been corrected.

Where EO monitoring is carried out by individuals other than the State or Local EO Officer, the narrative should provide the names, titles, and organizations of those persons.

**Describe the procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.**

The State and Local EO Officer conduct announced and unannounced annual site visits. Each EO Officer will review select recipients annually through desk reviews and/or on-site reviews issues. A review schedule will be developed identifying when each recipient and RWOSP is scheduled for a desk and on-site review. Each recipient is provided with a copy of the announced review schedule along with a copy of the desk review guides that will be utilized during the review. RWOSP Directors are sent a letter by the State Level EO Officer notifying them of the review 30 days prior to the review date. In addition to these scheduled monitoring reviews, the State reserves the right to conduct monitoring with increased frequency throughout the program year.



## **ELEMENT 8: COMPLAINT PROCESSING PROCEDURES (29 CFR 38.69 - 38.89)**

The State has developed and published a comprehensive Equal Opportunity and Non-Discrimination Complaint Policy and Processing Procedure (Procedures) that has been adopted and distributed to WIOA One Stop Partners by the State Level EO Officer via a Guidance Document.

The DEDOL ensures that recipients follow the procedures by requiring the Delaware Workforce Development Board Chair and executive officials to formally certify their adoption of the procedures and include the procedures in their local WIOA plans. Memoranda of Understanding with all Career Center partners require that such partners will abide by WIOA EO and non-discrimination requirements.

The procedures also provide for access to the complaint process for LEP individuals and individuals with disabilities who have the right to request and receive, at no cost, auxiliary aids, and services, including language assistance/interpretation services. Additionally, the *Equal Opportunity is the Law* notice, which advises of the right to file a complaint, is translated into multiple languages, and posted at all Career Center service points.

### **Complaints**

Following the WIOA Equal Opportunity and Nondiscrimination Complaint Procedure<sup>5</sup> individuals may file complaints with either the State Level EO Officer, the Local Level EO Officer, or with the Director of the USDOL CRC, (Director, CRC) within 180 days of the alleged violation. Complaints filed with the Local Level EO Officer involving programs administered by DEDOL will be copied and forwarded to the State Level EO Officer to ensure that the State Level EO Officer is informed of the complaint.

Complaints will be processed within 90 days in accordance with 29 CFR § 38.79.

Investigations will typically be completed within 30 days of the receipt of the Complaint, and a Notice of Final Action will be issued within 90 days of the receipt of the complaint. If the Notice of Final Action is not received within 90 days of the receipt of the complaint, the complainant or their representative may file a complaint with the Director of CRC within 30 days of the expiration of the 90-day period.

At minimum, complaints should include:

- 1) the complainant's name and address
- 2) the identity of the individual or entity that the complainant alleges is responsible for the discrimination
- 3) a description of the complainant's allegations in enough detail to allow an initial determination of jurisdiction, timeliness, and the apparent merit of the complaint; and
- 4) the complainant's signature or the signature of the complainant's authorized representative

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<sup>5</sup> Appendix: *Element 8 - WIOA Equal Opportunity and Nondiscrimination Complaint Procedure Overview*

Both the complainant and respondent are advised of their right to be represented by an attorney or other individual of their choice.

If the State Level EO Officer determines that they do not have jurisdiction over a complaint, written notification will be sent to the complainant including a statement of reasons for the determination and notice that the complainant has the right to file a complaint with the Equal Employment Opportunity Commission (EEOC) within three hundred (300) days of the alleged violation.

### **Formal Resolution**

Following the Delaware WIOA Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures<sup>6</sup> the State Level EO Officer will provide an investigator trained in personnel complaint investigative processes to conduct an impartial investigation to resolve discrimination complaints. The investigative process will consist of taking testimony from both the complainant and respondent and any witnesses. This investigation process gives the parties a chance to discuss the issues raised in the complaint, resolve any misunderstandings, find areas of agreement, and incorporate those areas of agreement into solutions. On conclusion of the investigative process the investigator will render findings as follows:

**Investigation Findings:** Complaint investigations will result in one of the following conclusions: substantiated or unsubstantiated. Substantiated means that the research and/or evidence through corroboration verifies the allegation. Unsubstantiated means that investigative research failed to find sufficient evidence to support or verify the Complainant's claim.

If the parties cannot amicably resolve the conflict through the investigative process, the State Level EO Officer will send a Notice of Final Action to the parties within 5 days of receipt of notification of findings report from the assigned investigator.

A written Notice of Final Action will be provided to the Complainant within 90 days of the date on which the complaint was filed, that contains the following information:

- For each issue raised in the complaint, a statement of either the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue; and
- Notice that the Complainant has a right to file a complaint with the CRC, or EEOC the appropriate time frames if they are dissatisfied with the outcome of the investigation.

**All WIOA One Stop Partners will – In Accordance With 29 CFR 38.74 - develop and publish complaint procedures.**

WIOA One Stop Partners will report complaints received<sup>7</sup> through internal chain-of-

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<sup>6</sup> Appendix: *Element 8 – Delaware WIOA Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures*

<sup>7</sup> Appendix: *Element 8 - Delaware WIOA Equal Opportunity and Nondiscrimination Complaint Form*

command and provide the State Level EO Officer and DWDB Executive Director a copy. Partners will work under the direction of the State Level EO Officer who will conduct appropriate inquiries to determine whether complaints are substantiated, or unsubstantiated. Respondents to complaints will not investigate themselves.

RWOSPs will maintain a complaint log<sup>8</sup> which will include at a minimum the name and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, the disposition, the date of the disposition, and any other pertinent information relating to the complaint. Required One Stop Partner will forward this log to the Local Level EO Officer and the DWDB Executive Director. Complaints will be processed within 90 days in accordance with 29 CFR § 38.79.

**The complaint process at a minimum includes these steps in accordance with 29 CFR 38.72:**

- 1) Receive the complaint
- 2) Assign a person to conduct an inquiry
- 3) Analyze the complaint
- 4) Acknowledge the complaint
- 5) The person conducting the inquiry will – in writing – acknowledge receipt of the complaint to the complainant
- 6) The written acknowledgement will establish an initial deadline
- 7) Begin filling out the log
- 8) Conduct an investigation. The investigator will
  - a) Interview the complainant
  - b) Interview the respondent
  - c) Interview any witnesses
  - d) Gather facts
  - e) Determine what if any standard was violated
  - f) Determine whether the complaint is substantiated, unsubstantiated, neither substantiated, not unsubstantiated
  - g) Write a report with a recommendation
- 9) Close the Complaint. The investigator will:
  - a) Forward report to the State Level EO Officer for review
  - b) File all documents in a secured

Substantiated allegations that might require sanctions, will be immediately forwarded to

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<sup>8</sup> Appendix: *Element 8 - Delaware WIOA Equal Opportunity and Nondiscrimination Complaint Log*

the State Level EO Officer for review and disposition. EO Officers may seek guidance from the Department of Justice representative.

## **ELEMENT 9: CORRECTIVE ACTIONS / SANCTIONS (29 CFR 38.54(c)(2)(vii))**

The State will apply procedures for corrective and remedial actions when there is a violation of WIOA Section 188 and/or 29 CFR Part 38 are found.

Corrective actions and sanctions are intended to guarantee equal access to programs, activities, and employment opportunities provided by WIOA financially assisted recipient organizations. Corrective actions must be appropriate for the violation identified and serve to end the discrimination or redress specific violations(s).

Corrective and remedial action will be enforced when any deficiency is identified as a result of any monitoring review or any employment opportunity complaint. Deficiencies can be technical violations, which are deficiencies that do not involve discrimination, require written assurance from the State, Unemployment Insurance (UI), and RWOSP. Technical violations may include, but are not limited to: failure to post the required "Equal Opportunity is The Law" notice/poster, failure to include assurances in service plans, failure to include a signed "Equal Opportunity is The Law" notice/poster in a WIOA participant's file, as well as failure to include a signed statement confirming participant knowledge of Complaint Procedures and Grievance Procedures in their program file or in an electronic file.

Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

Discrimination violations involve any complaint where discrimination is alleged. Discrimination violations may include but are not limited to discrepancies of disparate treatment, disparate impact, and failure to provide reasonable accommodation. These discrepancies may require an Alternative Dispute Resolution (ADR) agreement, conciliation agreement or assurance statement.

Required One Stop Partners will notify the State Level EO Officer if they are contacted directly by USDOL CRC regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL CRC.

Where a compliance review or complaint investigation results in a finding of non-compliance, the State Level EO Officer must notify the:

- Grant applicant or recipient
- Grant making agency and
- Governor's Office.

Sanctions may include written warnings for non-compliance, recommendation for

termination of funding (partial, offset, and/or temporary suspension), and legal action under applicable laws. Recipients acknowledge notice that corrective actions and sanctions may be imposed to move recipients into compliance with the requirements of the WIOA and the Non-discrimination Plan.

### **Standards for Corrective and Remedial Actions**

The State reserves accountability for implementation of the Non-discrimination Plan to the Governor, including complaint processing and resultant corrective or remedial action. The Governor also reserves the right to sanction grantees for failure to comply with the terms and conditions of grant contracts. The State Level EO Officer will monitor corrective action determined against a respondent in a Notice of Final Action for a specific complaint.

These actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

For each corrective action identified, the recipient must submit their corrective action plans within 30 days of receipt of the Monitoring Review Guide Report or equivalent notification. Corrections to the discrepancies should be made within 30 days of the Equal Opportunity Monitoring Review Report or equivalent notification of non-compliance and designed to completely correct the violation and bring the recipient into compliance.

Recipients will complete all corrective actions in the monitoring report and the recipient must submit a written assurance that the discrepancies have been corrected and will not recur. The assurance will list the deficiency and corrective action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the recipient or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and certify that the assurance is signed by the highest level official of the recipient or sub-recipient. If the discrepancies involve discrimination, a conciliation agreement is required.

Remedial actions are designed to make whole an individual or individuals who have suffered injury or loss because of unlawful discrimination. A person or persons wronged by discriminatory acts or policies must be restored to the status they would have expected had the discrimination not occurred. In a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including, but not limited to, back pay) and prospective relief (including, but not limited to, training, policy development and communication) to ensure the discrimination does not recur.

**Briefly discuss the procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.**

When a corrective or remedial action plan is established, the EO Officer overseeing the action plan will do a desk review and/or an on-site visit, as appropriate, to ensure that the commitments of the plan are satisfied, and the violation will not recur. Any instances of non-compliance will be examined as a follow-up with an on-site visit or as part of the next scheduled monitoring review of the recipient.

**Discuss reports required from the violating recipient regarding actions to correct the violation(s).**

The violating recipient will develop and submit a corrective action plan in writing to the EO Officer within 30 days of receiving the EO Monitoring Review Report or equivalent documentation. The corrective action plan will identify the violating recipient's plan and require that follow-up reports be prepared and forwarded to the EO Officer on a periodic basis for all completed actions. The EO Officer will conduct a follow-up to ensure that all the discrepancies and issues of noncompliance have been resolved and will close out the monitoring reviews.

**Discuss Sanction procedures to be followed where voluntary compliance cannot be achieved.**

Prior to implementing a sanction, a corrective action plan will be developed and submitted to the EO Officer. The corrective action plan included deadlines to address all issues of noncompliance identified during monitoring. Once the deadlines included in the corrective action plan have passed, the EO Officer follows-up with the appropriate monitoring and issues a final determination.

Sanctions penalize or censure a recipient and require the EO Officer to issue a final determination in writing and take such actions as allowable by law. The final determination must contain the following information:

- Statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful.
- Statement of those matters upon which the recipient and the EO Officer continue to disagree.
- List of any modifications to the findings of fact or conclusions that were set forth in the initial determination.
- Statement of the recipient's liability and, if appropriate, the extent of that liability.
- Description of the corrective or remedial actions that the recipient must take to come into compliance; and
- Notice that if the recipient fails to come into compliance within ten days of the date on which it receives the final determination, one or more of the following consequences may result:
  - WIOA funds may be withheld in whole or in part.
  - Applications for set-aside funds may be denied when the recipient is determined

to be noncompliant with EO requirements.

- Delaware Office of Workforce Development may refer the case to the Delaware State Attorney General or the U.S. Department of Justice with a request to file suit against the recipient; or
- Delaware Office of Workforce Development may take any other action against the recipient allowable by law.

A recipient has the right to appeal a final determination to the Director of the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Northwest, Room N-4123, Washington, D.C. 20210. The appeal must be in writing and made within 30 days after the complainant receives the final determination or 90 days from the date of the filed complaint. Such an appeal, however, will not forestall the initiation of sanctions unless the Director of the CRC extends the deadline.



## APPENDIX

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- **Appendix: *Element 2***  
**Equal Opportunity Is the Law Notice (English and Spanish)**
- **Appendix: *Element 7***  
**WIOA Equal Opportunity Monitoring and Assessment Form**
- **Appendix: *Element 8***  
**DE WIOA Discrimination Complaint Log Sheet**
- **Appendix: *Element 8***  
**WIOA Equal Opportunity and Nondiscrimination Complaint Procedure Overview**
- **Appendix: *Element 8***  
**Delaware WIOA Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures**
- **Appendix: *Element 8***  
**Delaware WIOA Equal Opportunity and Nondiscrimination Complaint Form**
- **Appendix: *Element 8***  
**Delaware WIOA Equal Opportunity and Nondiscrimination Complaint Log**

Appendix: Element 2

Equal Opportunity Is the Law Notice  
(English and Spanish)



## **EQUAL OPPORTUNITY IS THE LAW**

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I—financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I—financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

### **WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION**

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); Or

**Director, Civil Rights Center (CRC), U.S. Department of Labor**  
**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**  
or electronically as directed on the CRC website at [www.dol.gov/crc](http://www.dol.gov/crc).

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

### **FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT**

**Wanda Holifield, MAII**  
**Local WIOA One Stop Operator EEO Officer**

Delaware Workforce Development Board  
4425 N. Market Street, Fox Valley 3<sup>rd</sup> Floor  
Wilmington, DE 19802  
E-mail: [Wanda.Holifield@Delaware.gov](mailto:Wanda.Holifield@Delaware.gov)  
Phone: (302) 761 – 8160

TTY: 800 – 232 – 5470  
[www.delawarerelay.com](http://www.delawarerelay.com)

Auxiliary aids and services are available upon request to individuals with disabilities.

Equal Opportunity Employer/Program



## IGUALDAD DE OPORTUNIDADES ES LA LEY

Es contra la ley que este beneficiario de asistencia financiera federal discrimine sobre las siguientes bases: contra cualquier individuo en los Estados Unidos, sobre la base de raza, color, religión, sexo (incluyendo embarazo, parto y condiciones médicas relacionadas, estereotipos sexuales, estatus transgénero e identidad de género), origen nacional (incluido el dominio limitado del inglés), edad, discapacidad o afiliación o creencia política, o, contra cualquier beneficiario, solicitante o participante en programas con asistencia financiera bajo el Título I de la Ley de Innovación y Oportunidad de la Fuerza Laboral, sobre la base del estado de ciudadanía de la persona o la participación en cualquier programa o actividad con asistencia financiera del Título I de WIOA.

El beneficiario no debe discriminar en ninguna de las siguientes áreas: decidir quién será admitido, o tendrá acceso, a cualquier programa o actividad con asistencia financiera del Título I de WIOA; proporcionar oportunidades en, o tratar a cualquier persona con respecto a, dicho programa o actividad; o tomar decisiones de empleo en la administración de, o en conexión con, dicho programa o actividad.

Los beneficiarios de la asistencia financiera federal deben tomar medidas razonables para garantizar que las comunicaciones con personas con discapacidades sean tan efectivas como las comunicaciones con otros. Esto significa que, previa solicitud y sin costo alguno para el individuo, los beneficiarios están obligados a proporcionar ayudas y servicios auxiliares apropiados a las personas calificadas con discapacidades.

## QUÉ HACER SI CREE QUE HA SUFRIDO DISCRIMINACIÓN

Si cree que ha sido objeto de discriminación en virtud de un programa o actividad con asistencia financiera del Título I de WIOA, puede presentar una queja dentro de los 180 días a partir de la fecha de la presunta violación con: el Oficial de Igualdad de Oportunidades del destinatario (o la persona que el destinatario ha designado para este propósito);

### PARA OBTENER INFORMACIÓN O PARA PRESENTAR UNA QUEJA, PÓNGASE EN CONTACTO CON

**Wanda Holifield**  
**Oficial de Igualdad de Oportunidades del Operador de Ventanilla**  
**Única de Nivel Local**  
Junta de Desarrollo de la Fuerza Laboral de Delaware  
Edificio de Oficinas Fox Valley, 3<sup>rd</sup> Fl.  
4425 N. Market Street, Wilmington, DE 19802  
E-mail: [Wanda.Holifield@Delaware.gov](mailto:Wanda.Holifield@Delaware.gov)  
Phone: (302) 761-8160

Or

**Director, Centro de Derechos Civiles (CRC), Departamento de Trabajo de los Estados Unidos**  
**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**  
o electrónicamente según lo indicado en el sitio web de la CRC en [www.dol.gov/crc](http://www.dol.gov/crc)

Si presenta su queja con el destinatario, debe esperar hasta que el destinatario emita un Aviso de Acción Final por escrito, o hasta que hayan pasado 90 días (lo que ocurra antes), antes de presentar la solicitud ante el Centro de Derechos Civiles (consulte la dirección anterior). Si el destinatario no le da un Aviso de Acción Final por escrito dentro de los 90 días posteriores al día en que presentó su queja, usted puede presentar una queja ante CRC antes de recibir ese Aviso. Sin embargo, debe presentar su queja de CRC dentro de los 30 días posteriores a la fecha límite de 90 días (en otras palabras, dentro de los 120 días posteriores al día en que presentó su queja con el destinatario). Si el destinatario le da un Aviso de Acción Final por escrito sobre su queja, pero usted no está satisfecho con la decisión o resolución, puede presentar una queja ante CRC. Debe presentar su queja de CRC dentro de los 30 días posteriores a la fecha en que recibió el Aviso de Acción Final.

**TTY: (800) 232-5470**  
[www.delawarerelay.com](http://www.delawarerelay.com)

Las ayudas y servicios auxiliares están disponibles bajo petición para las personas con discapacidades.

Empleador/Programa de Igualdad de Oportunidades

Appendix: Element 7

WIOA Equal Opportunity Monitoring and  
Assessment Form



**Delaware American Job Centers (AJC) Monitoring Form**  
**Section 188 of WIOA and 29 CFR Part 38 Nondiscrimination and Equal Opportunity**  
A proud partner of the **americanjobcenter** network

**Authorized Personnel Name:** [Click here to enter text.](#)

**AJC Location:** [Click here to enter text.](#)

**Date:** [Click here to enter text.](#)

**ASSURANCES (29 CFR 38.25 through 38.27)**

- |  |
|--|
| 1. Do contracts contain the approved equal opportunity assurance language? <input type="checkbox"/> Yes <input type="checkbox"/> No Please be prepared to provide an example of a contract Equal Opportunity Assurance section.          |
| 2. How is the contractor or service provider made aware that the EO assurances are incorporated by operation of law whether or not it is physically incorporated in the contract or agreement? <a href="#">Click here to enter text.</a> |
| 3. How do you ensure equal opportunity and nondiscrimination for employees? <a href="#">Click here to enter text.</a>  |
| 4. What equal opportunity and nondiscrimination policies are in place for employees? <a href="#">Click here to enter text.</a> Please have examples ready for viewing during an on-site visit.   |
| 5. <b>DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN.</b> <a href="#">Click here to enter text.</a>   |

**DESIGNATION OF EO OFFICERS (29 CFR 38.28 through 29 CFR 38.33)**

- |  |
|--|
| 1. List the Local WIOA EO Officer: <a href="#">Click here to enter text.</a>   |
| 2. List the State EO Officer: <a href="#">Click here to enter text.</a>  |
| 3. How is the EO Officer's identity made known to participants and service providers? <a href="#">Click here to enter text.</a>  |
| 4. On what internal and external communications concerning Delaware Workforce Development Board, sub-recipient, contractors, and eligible training providers nondiscrimination and equal opportunity programs does the EO Officer's (State WIOA EO/Local EO) identity and contact information appear? <a href="#">Click here to enter text.</a> Please have examples ready for viewing during on-site visit. |

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN.** [Click here to enter text.](#)



## NOTICE AND COMMUNICATION (29 CFR 38.34 through 29 CFR 38.39)

1. Where are the WIOA “Equal Opportunity is the Law” posters displayed and which versions are displayed-English, Spanish, both or if applicable other language? [Click here to enter text.](#)

a. • Are they posted in reasonable numbers and places? ☐ Yes ☐ No

b. • Are the posters centrally located and in plain sight? ☐ Yes ☐ No

2. How is it ensured that participants are notified of their rights to file a complaint? [Click here to enter text.](#)

a. • Does the form include the required WIOA “Equal Opportunity is the Law” language? ☐ Yes ☐ No Please have examples ready.

3. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English? [Click here to enter text.](#)

4. What equal opportunity tagline is included in brochures, pamphlets, and flyers? [Click here to enter text.](#)

5. In what forms of communications is the tagline included? (i.e., materials distributed or communicated in written, oral, or electronic form to applicants, staff, and the general public) [Click here to enter text.](#)

6. Is the tagline included in public announcements and broadcasts? ☐ Yes ☐ No The appropriate tagline indicates that the *Department of Labor and its WIOA Title I-financially assisted program is an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities”*. [Click here to enter text.](#) Please have examples ready for viewing during on-site visit.

7. How is the requirement communicated not to discriminate on the basis of disability and the obligation to provide reasonable accommodations? [Click here to enter text.](#)

8. What efforts are made to ensure that communications with individuals with disabilities are just as effective as communications with others? [Click here to enter text.](#)

9. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments? [Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN.** [Click here to enter text.](#)

## DATA/INFORMATION: COLLECTION AND MAINTENANCE (29 CFR 38.41-38.45)

1. Please explain how EO data has been collected (race/ethnicity, sex, age, and where known, disability status). [Click here to enter text.](#)

2. Please explain how files/records about the population being served have been maintained? [Click here to enter text.](#)

3. How are these data maintained under safeguards that will restrict access to authorized personnel only? Please explain. [Click here to enter text.](#)

4. Are the records kept for a period of three years? ☐ Yes ☐ No

5. How is staff made aware that data must be collected on race, sex, age, disability, etc.? [Click here to enter text.](#)

6. How is the data collected by staff? [Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN.** [Click here to enter text.](#)

## AFFIRMATIVE OUTREACH (29 CFR 38.40)

1. Have ADA assessments been completed for Delaware American Job Centers and Affiliates? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please explain the shortfalls? <a href="#">Click here to enter text.</a> If not, when are they anticipated? <a href="#">Click here to enter text.</a>
2. If structural changes are needed, are transition plans on file? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please provide a copy. If not, please explain when they are anticipated to be completed. <a href="#">Click here to enter text.</a>
3. Are contractors and/or service provider sites accessible to individuals with disabilities? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Is there at least one entrance to the buildings that are wheelchair accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, does it have the international symbol for accessibility for individuals with disabilities posted? <input type="checkbox"/> Yes <input type="checkbox"/> No
a. If no, where are these clients directed to go? Explain. <a href="#">Click here to enter text.</a>
5. Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain. <a href="#">Click here to enter text.</a>
6. Are there designated restrooms with appropriate signage available for individuals with disabilities? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain. <a href="#">Click here to enter text.</a>
7. Is a TTY/TDD or Relay Services available for use? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain. <a href="#">Click here to enter text.</a> What is the Relay Service Number? <a href="#">Click here to enter text.</a>
8. Are there provisions for reasonable accommodations in employment? <input type="checkbox"/> Yes <input type="checkbox"/> No Describe. <a href="#">Click here to enter text.</a>
9. Please describe the availability of assistive equipment for individuals with disabilities. See examples below under Auxiliary Aids. <a href="#">Click here to enter text.</a>
10. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities. <a href="#">Click here to enter text.</a>
11. How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities? <a href="#">Click here to enter text.</a>
a. Describe how you meet the obligation of a recipient to operate programs or activities so that, when viewed in their entirety, they are readily accessible to qualified individuals with disabilities, through means such as: redesign of equipment; reassignment of classes or other services to accessible buildings; assignment of aides to beneficiaries; home visits; delivery of services at alternative accessible sites; alteration of existing facilities and construction of new facilities in conformance with standards for new construction; or any other method that results in making its program or activity accessible to individuals with disabilities? <a href="#">Click here to enter text.</a>
12. Is there a written reasonable accommodation policy? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please provide a copy. Please have a copy ready for viewing during on-site visit.
13. Describe how medical condition information is maintained separate from other files and secured. <a href="#">Click here to enter text.</a>
<b>DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN.</b> <a href="#">Click here to enter text.</a>



## GOVERNOR'S OVERSIGHT AND MONITORING RESPONSIBILITIES (29 CFR 38.51 and 38.53)

Governor's oversight and monitoring is monitored and administered by DWDB (FOR STATE OFFICE ONLY) Any monitoring activity related to this element is covered under other areas.

### COMPLIANCE REVIEW

1. List the EO Officer conducting the monitoring review. [Click here to enter text.](#)
2. How often on-site monitoring is conducted? **Annually beginning PY2022 (wfh)** [Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE? IF SO, PLEASE EXPLAIN.** [Click here to enter text.](#)

### COMPLAINT PROCESSING PROCEDURE (29 CFR 38.54)

1. What discrimination complaint policies and procedures are used by the Delaware American Job Center? [Click here to enter text.](#) Please provide a copy. Please be prepared to provide copies during the on-site visit.
2. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form? [Click here to enter text.](#)
3. Does the discrimination complaint log for formal discrimination complaints include the following? Please provide a copy. Please be prepared to provide copies during the on-site visit.

Name and address	<input type="checkbox"/> Yes <input type="checkbox"/> No	Basis of complaint	<input type="checkbox"/> Yes <input type="checkbox"/> No	Brief description of complaint	<input type="checkbox"/> Yes <input type="checkbox"/> No
------------------	--	--------------------	--	--------------------------------	--

Date filed	<input type="checkbox"/> Yes <input type="checkbox"/> No	Disposition	<input type="checkbox"/> Yes <input type="checkbox"/> No
------------	--	-------------	--

4. Please list any formal complaints that have been filed since July 1, 2020. See the attached Complaint log form. ☐ No formal discrimination complaints reported or [Click here to enter text.](#)
5. Has the Local or State EO Officer been advised of the complaint? ☐ Yes ☐ No
6. Describe the process established to keep the discrimination complaint records for a period of three years. [Click here to enter text.](#)
7. Describe the process for keeping the identity of the complainant confidential. [Click here to enter text.](#)

**DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN.** [Click here to enter text.](#)

## EXAMPLES OF AXILLIARY AIDS FOR INDIVIDUALS WITH DISABILITIES

1. What type of equipment is available for individuals with disabilities in Your Delaware American Job Centers (AJC)? Where are they located?  
Click here to enter text. Please be prepared to do a walk-through of the AJC and provide copies during the on-site visit. [Click here to enter text.](#)
2. What are Auxiliary Aids? American Job Centers (AJC) will ensure programs, activities and services are accessible to and readily usable by individuals with disabilities, provide auxiliary aids at no additional cost to individuals with disabilities, where necessary, to ensure effective communication with individuals with hearing, vision, or speech impairments. Auxiliary aids include, but are not limited to, services or devices such as: qualified interpreters on-site or through video remote interpreting (VRI) services, television captioning and decoders--Some of the various types of auxiliary aids and services may include: taped texts, note takers, interpreters, readers, videotext displays, television enlargers, talking calculators, electronic readers, Braille calculators, printers, or typewriters, telephone handset amplifiers, closed caption decoders, open and closed captioning, voice synthesizers, specialized gym equipment, calculators or keyboards with large buttons, reaching devices for library use, raised-line drawing kits, assistive listening devices, assistive listening systems, or telecommunications devices for deaf persons.

## CORRECTIVE ACTIONS

Corrective action is monitored and administered by the State and Local EO Officers or the US DOL Civil Rights Center (CRC). Any monitoring activity related to this element is covered under other areas.

Completed By: <input checked="" type="checkbox"/> Wanda Holifield, Local WIOA EO Officer
<input type="checkbox"/> State EO Officer
Comments:
Date:     /     / 2022

If you have questions, please contact the appropriate state or local EO monitor: [Wanda.Holifield@delaware.gov](mailto:Wanda.Holifield@delaware.gov) [(302) 761-8160]



Eligible Training Providers (ETPS) Monitoring Form  
Section 188 of WIOA and 29 CFR Part 38 Nondiscrimination and Equal Opportunity  
PY21-22 (35)

Eligible Training Provider:

Date of Review: / / 20

Prepared By: **W. Holifield**  
**(302) 761-8160**

Follow up or Next Review Date: / / 20

Print Name:

Signature:

**Section 1: Assurances**

1. Who signed the Eligible Training Provider (ETP) contract for this organization? Please provide the contact information and title for the person authorized to sign the contract(s).	
2. Provide a copy of the following policies: a. sexual harassment b. religious accommodation	
3. Provide a copy of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements that indicate that nondiscrimination and equal opportunity regulations is considered in the evaluation of such documents.	
4. Does this organization have a discrimination policy that includes the prohibited bases under Section 188 of WIOA?	
5. What is the organization's Equal Opportunity (EO) statement and policy?	
6. Provide a copy of the organization's reasonable accommodation/modification policy.	

7. Explain the procedure implemented within your organization that inform students of the reasonable accommodation/modification policy.	
8. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 2: Designating an individual to work with the Local EO Officer 29 CFR 38.33</b>	
9. Provide the contact information of the person designated to work with the Local EO Officer.	
10. Provide the contact information for the person responsible for implementing the required policies and procedures under Section 188 of WIOA within your organization.	
11. Provide the list of EO related training provided to staff from July 1, 20__, to June 30, 20__ (provide dates and locations).	
12. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 3: Notices and Communications 29 CFR 38.44-39</b>	
13. Provide a copy of the posted notice required by Section 188 of WOIA and the Delaware Nondiscrimination Plan. Describe the locations where this notice is posted within the facilities.	
14. Provide a copy of each recruitment brochure and other item of material distributed from July 1, 2020, to June 30, 2021 to the public showing that each includes the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities"; and the telephone numbers for TDD/TTY access and/or telephone relay services.	
15. Describe how steps are taken to ensure communications with individuals with disabilities are as effective as communication with others is sufficiently addressed.	
16. How does your organization service individuals that are limited English proficiency (LEP)? Please provide a copy of the any policy.	
17. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 4: Affirmative Outreach 29 CFR 38.40</b>	
18. Provide the organization's assessment by the population to be served including: the various racial and ethnic groups; members of both sexes; individuals with disabilities; individuals in different age groups; and individuals with different language needs. This assessment applies to those considered for employment and participation.	
19. Provide copies of targeting, outreach and recruitment plans.	
20. Provide copies of plans for expanding the pool of those considered for participation or employment by race/ethnicity, sex, disability status, age, and language needs from July 1, 2020, to June 30, 2021.	
21. Provide copies of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials (media, newspaper, and radio program) from July 1, 2020, to June 30, 2021, on programs services.	

22. Provide copies of the organization's advertised programs, services and activities to target various demographics (minorities/older individuals/ individuals with disabilities) from July 1, 2020, to June 30, 2021.	
23. Please provide a copy of the advertisement	
24. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 5: Data and Information Collection Maintenance 29 CFR 38.41-45</b>	
25. Provide a copy of policy/issuance that discusses ensuring the confidentiality of demographic information regarding individuals.	
26. Provide a copy of reports regarding the WIOA EO demographic (race/ethnicity, age, disability status sex, and preferred language) information for participants and employees.	
27. Provide a copy of the complaint logs used to track discrimination complaints that allege a violation.	
28. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 6: Governor's oversight and monitoring responsibilities for State Programs 29 CFR 38.53-54</b>	
29. Demonstrate how data and records collected on students and employees from July 1, 2020, to June 30, 2021, that were analyzed to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance.	
30. Explain how, if any, significant differences found from July 1, 2020, to June 30, 2021, on analysis of students and employees data records investigated to determine whether the differences are due to discrimination.	
31. Provide a copy of the follow up plan for the significant differences found from the analysis conducted on student and employee data from July 1, 2020, to June 30, 2021.	
32. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 7: Complaint Procedures 29 CFR 38.72-73</b>	
33. Provide a copy of your complaint procedures for students and employees.	
34. Provide the instrument (e.g. directive, memorandum) used to inform students and employees of the complaint procedures.	
35. Is technical assistance needed for this section?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Completed By: <input type="checkbox"/> Wanda Holifield, WIOA EO Officer
<input type="checkbox"/> State EO Officer
Comments:
Date:     /     / 2022

If you have questions, please contact WIOA EO Officer [Wanda.Holifield@delaware.gov](mailto:Wanda.Holifield@delaware.gov) [(302) 761-8160]

## Appendix: Element 8

### WIOA Equal Opportunity and Nondiscrimination Complaint Procedure Overview





## WIOA EQUAL OPPORTUNITY AND NONDISCRIMINATION COMPLAINT PROCEDURE OVERVIEW

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### Who may file a Complaint

Any person who believes that either he or she, or any specific class of individuals has been or is being subjected to discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity, may file a complaint. Complaints filed by the complainant or his/her authorized

representative must be filed in writing and must contain the complainants and respondents name and address, date of occurrence, a description of the allegations with enough detail to establish WIOA Title I funding jurisdiction over the complaint, whether or not the complaint was timely filed, apparent merit, and if true, whether the allegations would violate any of the nondiscrimination and equal opportunity provisions of WIOA, and the complainant or his/her authorized representatives signature.

### Where to file

Complaints may be filed with the State Level WIOA Equal Opportunity Officer or through the Local EO Officer) or directly with the Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210. For complaints related to programs administered directly by the Delaware Department of Labor.

### When to file

Generally, a complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, the Director of the Civil Rights Center may extend the filing time. Complainants who file with an EO Officer must wait until a written Notice of Final Action is received or until 90 days has passed (whichever is sooner) before filing with CRC. The Director of CRC, for good cause shown, may extend the filing time beyond 180 days.

**Information that the complaint must contain** All complaints must be in writing, and must contain the following:

- The complainants name and address or another means of contact.
- The identity of the respondent, the individual/entity the complainant alleges is responsible for the discrimination.
- A description of the allegations in sufficient detail to determine whether or not the complaint is within the jurisdiction of the EO Officer, whether or not the complaint was timely filed, has apparent merit, and if true, whether the allegations would violate the non-discrimination and equal opportunity provisions of WIOA.



- The complaint must be signed by the complainant or his/her authorized representative.

If it is determined that the EO Officer does not have jurisdiction over a complaint, the complainant will be notified of the lack of jurisdiction. The notification will include a reason(s) for the determination and notice that he/she has a right to file the complaint with CRC within 30 days from the date on which the jurisdiction notice is received.

If it is determined that the EO Officer has joint jurisdiction of the complaint, the complaint will be forwarded to the appropriate equal opportunity officer and the complainant will be notified that the complaint was received and forwarded for processing in accordance with the complaint procedures established by the recipient having joint jurisdiction.

All parties to the complaint are entitled to representation of their own choosing and at their own expense.

Upon receipt by the EO Officer, Complaints are assigned a case number, recorded on the complaint log, and forwarded to the appropriate EO Officer. All complaints are handled and maintained as strictly confidential.

### **Retaliation/Intimidation/Reprisal**

No person shall be discharged, intimidated, retaliated against, threatened, coerced or otherwise discriminated against for having filed a complaint, furnished information to, assisted or participated in any manner in investigation, review, hearing or any other activity related to the administration of, or exercise of authority under, or privileges secured by, 29 CFR Part 38.

## **Discrimination Complaint Processing Procedural Steps**

### **Step I - The Opportunity to File a Complaint**

All complaints must be in writing. Any person who believes that either he or she, or any specific class of individuals, or authorized representative, hereafter referred to as the complainant, who believes he or she has been discriminated against, must submit the allegations in writing to the equal opportunity officer. The Equal Opportunity Officer will, within five (5) days of receipt of the complaint, send an acknowledgment letter to the complainant and advise him/her of their right to be represented in the complaint process. If resolved informally, the Equal Opportunity Officer will within fifteen (15) days of receipt of the complaint advise the complainant of a list of the issues raised in the complaint and a statement whether the issue will be accepted for investigation or rejected by the EO Officer; if rejected, the reason for the rejection. If any portion of a complaint is accepted, the EO Officer will further advise the complainant of his or her right to seek resolution through mediation or to continue with a formal investigation and be advised of their right to have representation during the complaint process.

### **Step II - The Opportunity for an Informal Resolution Conference**

The Equal Opportunity Officer may meet with the complainant or his/her authorized representative, within fifteen (15) days from the date of receipt of the written allegations, to

conduct a preliminary investigation and to discuss the circumstances underlying the allegations, and attempt to informally resolve the issue(s). If the complaint cannot be

### **Step III - The Opportunity for Complaint Investigation**

If the Complainant is dissatisfied with the attempted informal resolution, he/she must so inform the Equal Opportunity Officer within ten (10) days of receipt of the written acknowledgement containing the statement of issues and indicate whether or not he or she wishes to have a full investigation. If no notice is received, the Equal Opportunity Officer will continue to review process the complaint which may include a decision by the EO Officer to further investigate the complaint.

### **Step IV - The Investigation: Fact Finding Procedure:**

After the EO Officer has determined that the discrimination complaint is within his or her jurisdiction, the State EO Offices should promptly conduct an investigation.

A complaint investigation or fact-finding includes the following elements:

- Interview the Complainant to gather facts.
- Ask the Complainant for the names, addresses and phone numbers of people who are knowledgeable about the situation. The EO Officer should contact the potential witnesses to request interviews.
- Collect any evidence that the complainant has to support their allegation(s).
- State the resolution sought by the complainant.
- Assure the Complainant that only those who have a “need to know” will be told anything. Identifying who must be told is decided on a case by case basis and generally includes managers, supervisors, and witnesses, to the extent necessary to obtain information.
- The investigator should make certain strategic decisions as to which witnesses to interview for which purpose.
- First, individuals should be interviewed who have first-hand knowledge.
- Second, individuals should be interviewed who were directly involved in the situation that the complainant has alleged occurred.
- Thirdly, individuals who have second-hand knowledge should be interviewed later if deemed necessary by the investigator
- In your interview with the complainant you may wish to obtain a signed statement from the complainant that he/she received important documents that the recipient asserts they gave the complainant, such as disciplinary warnings, requests for documents or notification of deadlines.
- Interview the Respondent to gather facts.
- Ask the Respondent for the names, addresses and phone numbers of people who are knowledgeable about the situation. The EO Officer should contact the potential witnesses to request interviews.

- Review documents, reports, correspondence, personnel records, and policies/procedures related to activities which gave rise to the allegation of discrimination.
- If additional allegations are made during the investigation, or other pertinent information is discovered, you should inform the Respondent and give him/her a chance to respond, following the format of the original investigation.
- A witness will make statements based not upon what he/she knows, but upon what he/she heard. Such hearsay information is not “evidence” since its credibility depends upon another person or source. However, it may have relevance to the investigation. Therefore, hearsay evidence should not be eliminated, but should be used if appropriate to lead you to sources that will allow you to use the information as evidence. Prepare an investigatory report that includes statement of basis of complaint, specific allegations, respondent(s) response and witness statements, findings of fact, rationale, and conclusion (probable cause or no probable cause that respondent may have discriminated) and appeal rights.
- Any additional information essential to understanding of the specific matter of the case or environment in which it occurred.
- The respondent’s position statement including their account of the facts and the respondent’s agreement or disagreement with each of the complainant allegations.
- The Respondent can produce documentation for review in their defense.
- Maintain a complaint file and complaint log with reference number.

All Notices of Final Action must be reviewed by the State Level EO Officer to ensure a thorough investigation and decision is supported by the findings of fact.

A Notice of Final Action will be issued by the State Level Equal Opportunity Officer within ninety (90) days of the filing of the complaint. The written Notice must include for each issue raised, a decision on the issue(s), an explanation of the reasons underlying the decision or a description of the way the parties resolved the issue(s), notice of recourse as provided below.

### **Step V – The Opportunity for Recourse**

If the resolution offered to the complainant or his/her representative is not satisfactory to the complainant, the complainant or his/her representative may, within 30 days of the date on which the Notice of Final Action is issued, file a complaint with the Director of Civil Rights Center (CRC). The Director of CRC may extend the thirty-day time limit for good cause shown.

## Appendix: Element 8

### Delaware WIOA Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures

## **DELAWARE WORKFORCE INNOVATION AND OPPORTUNITY ACT EQUAL OPPORTUNITY AND NONDISCRIMINATION COMPLAINT POLICY AND PROCEDURES**

The Delaware Workforce Development Board and Department of Labor Division of Employment Training are designated by the Governor as the joint administrative entity of Title I funds and the and Required WIOA One Stop Partners (RWOSP), an agency responsible for carrying out the administrative responsibilities for the State workforce innovation area established pursuant to Section 106 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, do hereby adopt and publish the complaint processing procedures for filing a discrimination complaint under Section 188 of WIOA applicable to all recipients as defined in 29 C.F.R. Part 38 and below.

### **I. BACKGROUND**

Section 188 of WIOA provides that no individual will be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such WIOA Title I-financially assisted program or activity because of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or for any beneficiary, because of the beneficiary's citizenship status as a lawfully admitted immigrant authorized to work in the United States. The federal regulations (29 C.F.R. Part 38) clarify the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA). Examples of discriminatory acts specifically prohibited, other than those based on a disability, are set forth in 29 C.F.R. Section 38.6. The regulatory requirements associated with employment practices and communication with individuals with disabilities are set forth in 29 C.F.R. Section 38.12.

### **II. POLICY**

It is the policy of the Delaware Workforce Development Board and the Required WIOA One Stop Partners to ensure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with WIOA funds. Any individual covered by WIOA who believes he or she, or a specific class of individuals, has been discriminated against has the right to file a formal complaint in accordance with the procedures set forth herein. Recipients of Title I WIOA funds must take appropriate steps to ensure that they are providing universal access to their programs and activities. Efforts recommended to ensure this type of access are set forth in 29 C.F.R. Section 38.40. If an issue arises that relates to a language barrier, 29 C.F.R. Section 38.9 should be followed.

### III. DEFINITIONS

29 C.F.R. Section 38.4 contains the definitions of the terms used in the implementation of the nondiscrimination and equal opportunity requirements of WIOA. For convenience, some of the definitions found in that section are listed below. If a conflict exists between a term, as it is defined in this policy and 29 C.F.R. Section 38.4, the definition in 29 C.F.R. Part 38.4 is controlling.

1. **Applicant** is an individual who is interested in being considered for WIOA Title I-financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by a recipient.
2. **Applicant for employment** is a person who makes application for employment with a recipient of Federal financial assistance under WIOA Title I.
3. **Beneficiary** is the person or persons intended by Congress to receive benefits or services from a recipient.
4. **Complainant** is the individual or entity who files a complaint of discrimination. See this Policy regarding who may file a complaint.
5. **CRC** is the Civil Rights Center of the U.S. Department of Labor, 200 Constitution Avenue, NW, Room N4123, Washington, D.C. 20210.
6. **DEDOL** is the Delaware Department of Labor, including its agencies, divisions, and organizational units.
7. **Department** means the US Dept. of Labor including its Agencies and Organizational Units
8. **Director** means the Director, Civil Rights Center, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, or a designee authorized to act for the Director.
9. **Disability and Qualified Individual with a Disability.** See 29 C.F.R. Section 38.4.
10. **DWDB** is the Delaware Workforce Development Board
11. **Eligible applicant/registrant** is an applicant who has been determined eligible to participate in one or more WIOA Title I-financially assisted programs or activities.
12. **Entity** is any person, corporation, partnership, joint venture, unincorporated association, or State or local government, and any agency, instrumentality, or subdivision of such a government. (29 C.F.R. Section 38.4 contains a partial list of entities that are considered recipients.)
13. **Equal Opportunity Officer (EO Officer)** is the individual responsible for coordinating a recipient's obligations under 29 C.F.R. Part 38. In Delaware this includes the person designated by the Governor as the State Level WIOA EO Officer.

- 14. Required WIOA One Stop Partner Recipient (RWOSP)** means the entity that receives WIOA Title I financial assistance directly from the Governor and disburses those funds for WIOA activities.
- 15. Participant** is an individual who has been determined to be eligible to participate in and who is receiving aid, benefits, services, or training under a program authorized by Title I of WIOA. Examples of who is a participant are listed in 29 C.F.R. 38.4. Participation will be deemed to commence on the first day, following determination of eligibility, on which the participant began receiving subsidized aid, benefits, services, or training provided under Title I of WIOA.
- 16. Recipient** is an entity to which financial assistance under WIOA Title I is extended, either directly from the Department or through the Governor or another recipient ((including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I-funded program or activity. Recipients are listed in 29 C.F.R. 38.4.
- 17. Respondent** is the individual or entity against whom the complaint is filed.
- 18. Service Provider.** See 29 C.F.R. Section 38.4.
- 19. Small Recipient** is a recipient who serves a total of fewer than 15 beneficiaries during the entire grant year and employs fewer than 15 employees on any given day during the entire grant year.
- 20. WIOA Title I-funded program or activity.** See 29 C.F.R. Section 38.4.

#### **IV. DISSEMINATION OF AND NOTICE OF NONDISCRIMINATION**

A recipient of WIOA grant funds will provide initial and continuing notice that it does not discriminate on any prohibited ground, to sub-recipients that receive WIOA Title I funds from the recipient, registrants, applicants, eligible applicants/ registrants, participants, applicants for employment, employees, and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with recipient. The notice will contain the language prescribed in 29 C.F.R. Section 38.35.

##### **A. POSTING OF NOTICE**

At a minimum, the notice of nondiscrimination must be posted prominently, in reasonable numbers and places; disseminated in internal memoranda and other written or electronic communications; included in handbooks or manuals; and made available to each participant and made a part of the participant's file. The notice must be provided in appropriate formats to individuals with visual impairments and a record that such notice has been given must be made a part of the participant's file.

##### **B. NOTICE IN BROCHURES AND OTHER MATERIALS**

The notice contained in recruitment brochures and other materials, which are ordinarily distributed to the public in written and/or oral form, electronically and/or

on paper to describe programs funded by Title I of WIOA or the requirements for participation by recipients and participants, must contain the language prescribed in 29 C.F.R. Section 38.38(a). If these materials indicate that the recipient can be reached by telephone, the materials must state the telephone number of the TDD/TTY or relay service used by the recipient.

**C. NOTICE IN NEWS MEDIA**

Any information published or broadcast in the news media must contain the language prescribed in 29 C.F.R. Section 38.38(b)

**D. NOTICE IN ORIENTATION PRESENTATIONS**

During orientation presentations for new participants, new employees, and/or the general public regarding the recipient's Title I WIOA-financially assisted programs or activities, the recipient will include a discussion of an individual's rights under the nondiscrimination and equal opportunity provisions of WIOA and 29 C.F.R. Section 38. They will also be informed of their right to file a complaint of discrimination with the EO Officer or the Director of the Civil Rights Center (CRC).

**V. PROCEDURES FOR COMPLAINTS AND INVESTIGATIONS**

**FOR THE ATTENTION OF:**

**Equal Opportunity Officers, RWOSPs, One Stop Operators, Service Providers, Eligible Training Providers, Eligible Training Provider Staff, Sub-recipients, Sub-recipients' Staff, Delaware Workforce Development, Department of Labor Contractors and Staff, Department of Labor Staff or any recipient of any WIOA Title 1 financially assisted programs or activities.**

**GENERAL PRINCIPLES**

Any person alleging discrimination under 29 CFR Part §38.5 through §38.19, and Section 188 of the Workforce Innovation & Opportunity Act has the option of filing his or her complaint with the recipient or with the Civil Rights Center (CRC). The recipient's EO officer has the obligation to inform the complainant of the option. Should the complainant elect to file with CRC, the recipient's EO Officer should log the complaint and provide the contact information for the CRC.

**TYPES OF COMPLAINTS**

A complaint falls into one of three categories, depending on its source:

- Individual – a complaint that alleges discrimination against the person filing the complaint.
- Third party – a complaint filed by a group or an individual that alleges discrimination against another group or individual. The recipient's EO Officer accepts such complaints if the complainant:



- can provide the name and telephone number (or other means of contact) of the injured party and the injured party is willing to file a complaint, or
- is an organization or special interest group, and they can provide names and telephone numbers of the injured parties, or
- is an authorized representative of an injured party.
- **Class action** – a complaint filed by one or more individuals that alleges discrimination, not only against themselves, but also against a group of similarly situated individuals. To file such a complaint, the complainant must have standing in the class, that is:
  - Be a member of the class, and
  - Be adversely affected by the alleged discrimination

All RWOSP and recipients of WIOA title 1 financial assistance will – In Accordance With 29 CFR 38.72 – adopt and publish complaint procedures.

1. **Who may file.** Any person who believes that he or she or any specific class of individuals has been or is being subject to discrimination prohibited by the nondiscrimination and equal opportunity provisions of WIOA or the regulations may personally file a written complaint or file a written complaint through a representative.
2. **Where to file.** The complaint may be filed either with the State Level EO Officer, the Local level EO Officer, or the Director of the CRC. Complaints made involving Required WIOA One Stop Partners programs should be filed directly with the State Level EO Officer, or through the designated Complaint Officer in the career center system.
3. **Time for filing.** A complaint filed pursuant to this part must be filed within 180 days of the alleged discrimination. The Director of the CRC may extend the filing time if the State Level EO Officer does not include in its Notice of Final Action the required notice about the complainant's right to file with the Director or for good cause shown.
4. **Contents of complaints.** Each complaint must be filed in writing in a form prescribed by the State Level EO Officer or Director (complaints filed with CRC) and must:
  - a. Contain the complainant's name and address (or specify another means of contacting him or her).
  - b. Identify the respondent (the individual or entity that the complainant alleges is responsible for the discrimination); and

- c. Describe the complainant's allegations in sufficient detail to allow the Director of the CRC or State Level EO Officer to determine whether:
    - I. CRC, the State Level EO Officer or the Local Level EO Officer, as applicable, has jurisdiction over the complaint; and
    - II. the complaint was timely filed; and
    - III. the complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or the regulations.
  - d. Be signed by the complainant or his or her authorized representative.
- 5. **Complaint Forms.** A complaint Information Form will be provided to each recipient to be maintained and used in filing a complaint hereunder. The complaint form will also be provided in the event additional information is required.
- 6. **Right to Representation.** Each complainant and respondent have the right to be represented by an attorney or other individual of his or her own choice.
- 7. **Complaint processing.** Upon receipt of a written complaint, the EO Officer must provide a written acknowledgement within 5 days of receipt of the complaint with notice that the complainant has the right to be represented in the complaint process. The EO Officer will have 90 days from the date of receipt of a written complaint to process the complaint. All complaints must be date stamped upon receipt and forwarded to the appropriate EO Officer for processing. The State Level EO Officer will monitor the processing of all complaints including the established time limits for processing a complaint.
  - I. If the complaint is filed with the Local level EO Officer, Local level EO Officer will log the complaint and commence the complaint process. If a complaint filed with the Local level EO Officer involves a program administered by the Delaware Department of Labor, the Local level EO Officer will log the complaint and forward it to the State Level EO Officer for processing.
  - II. If the complaint is filed with the State Level EO Officer and involves a program or activity administered by the recipient or a partner in the one-stop delivery system, the State Level EO Officer will immediately notify the Local level EO Officer and forward the complaint for processing. If a complaint is related to programs administered by the Delaware Department of Labor, the State Level EO Officer shall retain the complaint for processing.
- 8. **Confidentiality of complaint.** The respondent, individual or entity against whom the complaint is filed, will receive a letter within 15 days of receipt of the complaint indicating that a complaint has been filed against them, on what basis and will be

notified that they have the right to representation. The Respondent will be allowed the opportunity to respond to the allegation(s) during the investigation. The name of the complainant will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint.

**9. Confidentiality of witnesses.** The identity of any individual who furnishes information relating to, or assisting in, an investigation of a complaint or a compliance review will only be released to the extent necessary to investigate and fairly determine the issues raised in the complaint or as otherwise required by law.

**10. Prohibition against intimidation or retaliation.** See Part VI of this Policy.

**11. Computation of time.** In computing any time period as prescribed by these rules, the first day shall be excluded and the last included to complete the period. In addition, the time periods are counted in calendar days, not workdays.

## **12. Notification to the Complainant**

**I. Notification of no jurisdiction.** The EO Officer will notify the complainant within 15 days of receipt of the complaint in writing if it determines that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIOA or the regulations. The notification will also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with the Director of the CRC within 30 days of the receipt of the notification. This notice will be sent to the complainant and respondent by certified mail and a copy of the notice will be sent to the State Level WIOA EO Officer.

**II. Statement of issues.** If the EO Officer that receives the complaint has jurisdiction, they will notify the complainant within 15 days of the date of receipt of the complaint in writing. The letter will advise the complainant of the list of issues raised in the complaint and of their right to be represented in the complaint process. In addition, the complainant will be advised of which issues will be accepted for investigation and the reason for each issue not accepted. The complainant will be notified that he or she has the option of resolving his or her complaint through a fact-finding/ investigation process or alternative dispute resolution. If the complaint is filed with the Local level EO Officer, then the statement of issues will be sent to the complainant by certified mail and a copy of the notice will be sent to the State Level EO Officer. The respondent will receive a letter (certified mail) notifying he/she that a complaint has been filed against them, on what basis (race, gender etc.) and will be notified that they have the right to be represented during the investigation. The EO Officer that receives the complaint will also notify the complainant and respondent of

the prohibition against retaliation and intimidation set forth in Part VI of this Policy.

- III. **Informal meeting/Resolution.** The EO Officer may meet with the complainant informally to discuss and clarify the issues. During this process, the EO Officer may, in appropriate cases, offer a resolution of the matter, provided the EO Officer files a Notice of Final Action in accordance with section V(B) (14) herein. If the complainant is not satisfied with the informal resolution, the complainant may proceed with a full investigation or request alternative dispute resolution.

### 13. Resolution of Complaints

- I. **Options.** The complainant has the option of resolving his or her complaint through a full fact-finding/investigation process or may choose to have his/her complaint reviewed by the CRC for disposition. If the complainant chooses to have his/her complaint reviewed by the CRC, he or she must notify the State Level EO Officer within 10 days of filing of his/her complaint.
- II. **Fact-Finding/Investigation Process.** If the complainant chooses the full fact-finding/investigation process, the entity that receives the complaint will conduct a full review of the matter, including giving the complainant and the respondent the opportunity to respond to all the evidence presented.
- III. **Confidentiality.** Investigation sessions will be closed to any individual other than the parties and their representatives. Communication and information disclosed during the investigation process is privileged and confidential and shall not be disclosed to a third party, except for purpose of implementation or enforcement, or by written agreement of both parties. During the investigation process, notes may be taken. However, once the final settlement agreement has been reached or the parties are unable to reach an agreement, all notes must be turned over to the State Level EO Officer for archiving.

### 14. Notice of Final Action

- I. Upon completion of its investigation and review of the complaint, the EO Officer must file a Notice of Final Action within 90 days of receipt of the complaint. The notice must address each issue raised in the complaint with an explanation of the reasons underlying the decision or provide a description of the way the parties resolved the issue. The notice must also advise complainant that he or she has the right to file a complaint with the Director of CRC within 30 days from the date on which the notice is issued if the complainant is dissatisfied with the decision. The decision will be mailed to the complainant and respondent by certified mail.
- II. Within 90 days, the EO Officer may, upon a preliminary investigation, offer a resolution of the complaint to the complainant. If the complainant accepts the resolution, the EO Officer must file a Notice of Final Action

and notify the complainant of his or her right to file a complaint with the Director of the CRC, and inform the complainant that his right must be exercised within 30 days from the date on which the notice is issued if the complainant is dissatisfied with the decision. The decision will be mailed to the complainant and respondent by certified mail.

- III. If the complainant has not received a Notice of Final Action within ninety days of filing the complaint, the complainant or his or her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the Director of the CRC provided, however, that the complaint must be filed with the Director of CRC within 120 days of the date on which the complaint was filed with EO Officer.

## **VI. INTIMIDATION AND RETALIATION PROHIBITED**

- A. A recipient must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any person because such person has: filed a complaint alleging a violation of WIOA or the regulations; opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or the regulations; furnished information to, assisted or participated in any manner in, an investigation, review, hearing or any other activity related to administration of, or exercise of authority under, or privilege secured by, the nondiscrimination and equal opportunity provisions of WIOA or the regulations; or exercised authority under or privileges secured by the nondiscrimination and equal opportunity provisions of WIOA or the regulations.
- B. The sanctions and penalties contained in Section 188(b) of WIOA or the regulations may be imposed against any recipient that engages in any such retaliation or intimidation or fails to take appropriate steps to prevent such activity.

## **VII. DATA AND INFORMATION COLLECTION**

- A. Each recipient will collect such data and maintain such records, in accordance with procedures prescribed by the Director of the CRC, as the Director of the CRC finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA or the regulations.
- B. Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment.

- C.** Each recipient must record the race/ethnicity, sex, age, and where known, disability status of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment and employee.
- D.** Such information will be stored in such a manner that ensures confidentiality and must be used only for the purposes of record keeping and reporting; determining eligibility, where appropriate, for WIOA-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

## **VIII NOTIFICATION OF COMPLAINTS/LAWSUITS**

- A.** Each grant applicant and recipient will promptly notify the WIOA EO Officer and the Director of the CRC of any administrative enforcement actions or lawsuits filed against it alleging discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA Title I-financially assisted program or activity. The requirements for the notice are set forth in 29 C.F.R. Section 38.42.
- B.** Each Local Level EO Officer will maintain a log of complaints filed with it that allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or for any beneficiary, because of that beneficiary's citizenship status as a lawfully admitted immigrant authorized to work in the United States or for participation in WIOA Title I-financially assisted program or activity. The log will include: the name and address of the complainant; the ground of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

## **IX RETENTION OF RECORDS**

- A.** Each recipient will maintain, for a period of not less than three years from the close of the applicable program year, applicant, registrant, eligible applicant/registrant, participant, terminnee, employee and applicant for employment records; and such other records as are required by the regulations or the State Level EO Officer.
- B.** Each recipient will maintain records regarding complaints and actions taken thereunder for a period of not less than three years from the date of resolution of the complaint.

## **X. ASSURANCE**

Every grant, cooperative agreement, or contract for financial assistance for funding under Title I of WIOA, as described in 29 CFR Section 38.25, must contain the following assurance:

### **NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE:**

As a condition to the award of financial assistance from the DEDOL under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

**Section 188 of the Workforce Innovation and Opportunity Act (WIOA)** which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I - financially assisted program or activity;

**Title VI of the Civil Rights Act of 1964**, as amended which prohibits discrimination on the basis of race, color, and national origin.

**Section 504 of the Rehabilitation Act of 1973**, as amended, which prohibits discrimination against qualified individuals with disabilities.

**The Age Discrimination Act of 1975**, as amended, which prohibits discrimination on the basis of age; and

**Title IX of the Education Amendments of 1972**, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

Appendix: Element 8

Delaware WIOA Equal Opportunity and  
Nondiscrimination Complaint Form



**DELAWARE**  
**WORKFORCE INNOVATION and OPPORTUNITY ACT (WIOA)**  
**DISCRIMINATION COMPLAINT FORM**

**Effective:** January 29, 2021

**Supersedes:** August 4, 2020

**EQUAL OPPORTUNITY IS THE LAW**

It is against the law for this recipient of Federal Financial Assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I—Financially Assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I—Financially Assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of Federal Financial Assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

**WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION**

If you think that you have been subjected to discrimination under a WIOA Title I—Financially Assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer or the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW, Room N.-4123, Washington, DC 20210 or electronically as directed on the CRC website at [www.dol.gov/crc](http://www.dol.gov/crc)

**DIRECTIONS**

1. If you believe you have been unlawfully discriminated against, complete this form, and forward it by Email or Postal Mail to the address below.

**Wanda Holifield**  
**Local WIOA EEO Officer**  
**Delaware Workforce Development Board**  
**4425 N. Market Street, Fox Valley 3rd Floor**  
**Wilmington, DE 19802**  
**E-mail: [Wanda.Holifield@Delaware.gov](mailto:Wanda.Holifield@Delaware.gov)**  
**Phone: (302) 761 – 8160**

2. If you have any questions about this form or complaint process, email, or call Wanda Holifield at (302) 761- 8160
3. Complaints are to be filed within 180 days of the alleged violation, or as soon as possible.

to maintain competencies in order to oversee and assist in the development and implementation of Delaware's Non-discrimination Plan under Section 188 of WIOA and 29 CFR 38.54.

The State Level EO Officer will attend monthly, quarterly and/or annually sponsored Equal Opportunity trainings, as well as EO classes and training conferences offered through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), NASWA, and the U.S. Equal Employment Opportunity Commission (EEOC) to maintain competency.

### **Staff and Resources of the State Level EO Officer**

The State Level EO Officer is supported by one full-time State employee designated as the Local Level EO Officer from the Office of Delaware Workforce Development Board. The Local Level EO Officer will perform in partnership with the State Level EO Officer to ensure recipients of WIOA Title 1 funds programs and activities operate in a non-discriminatory manner according to Section 188 of WIOA and 29 CFR Part 38 regulations.

### **Designated Local Level Equal Opportunity Officer**

The designated Local Level EO Officer must meet the eligibility requirements specified under 29 CFR § 38.30, including the requirement that they do not have other duties or responsibilities that could create a conflict of interest, or the appearance of a conflict, with the responsibilities of a local EO Officer.

The Local Level EO Officer is identified as follows:

#### **Wanda Holifield**

Management Analyst II  
WIOA Local Equal Opportunity  
Delaware Workforce Development Board  
4425 N. Market St.  
Fox Valley, 3<sup>rd</sup> Fl.  
Wilmington, De 19802  
302-761-8160  
[Wanda.holifield@Delaware.gov](mailto:Wanda.holifield@Delaware.gov)

### **Duties of Local Level EO Officer**

While the Local Level EO Officer have other duties and responsibilities in addition to their EO responsibilities. Under 29 CFR § 38.30, these other duties or responsibilities must not create a conflict of interest, or the appearance of a conflict of interest, with the designee's responsibilities of a local EO Officer

**Local Level EO Officers' duties and responsibilities include, but are not limited to the following:**

- Serving as the recipient's liaison with the State Level EO Officer and the USDOL Civil Rights Center (CRC).

1. Which of the following best describe(s) why you believe you were discriminated: <i>Check all that apply:</i>			
	Specify why:		Specify why:
Age: DOB:    /    /		Religion	
Race		Veteran Status	
Color		Reprisal/Retaliation	
Citizenship		Disability	
National Origin		Sex	
Political Affiliation		Sexual Orientation	
Status as a WIOA Participant		Gender Identity or Expression	
Other: _____			

2. Do you think the alleged discrimination against you involved any of the following: <i>Check all that apply:</i>		
Seeking Employment	Accessibility of a Facility	Receipt of Services/Benefits
If so, which of the following apply:		
Application/Hiring	Job Referral	Access/Accommodation
Benefits	Training	Discharge/Termination
Harassment	Other: _____	

3. Have you filed a complaint elsewhere about this allegation?    Yes    No		
<i>If YES, please provide information for each entity, or enforcement agency with which you have filed this complaint.</i>	Agency or Court:	
	Case or Docket Number:	
	Date(s) Filed:	
	Hearing/Trial date:	
	Agency or Court Location:	
	Name of Investigator:	
	Status of Case:	

4. Do you have an attorney regarding this complaint/allegation?    Yes    No	
<i>If YES:</i>	
Name:	
Address:	Street: _____ City: _____ State: _____ Zip: _____
Phone:	(    )    -
Email:	

**Incident Information:** *Please attach additional pages if necessary.*

**Date of Incident:**

**Location of Incident:**

**5. Describe the events that occurred (be as specific as possible – Who? What? When? Where? How?):**

**6. Why do you believe these events occurred?**

**7. How did you react to the situation? What response did you make when incident(s) occurred and afterwards?**

**8. Did you notify management and/or Human Resources? If so, who did you notify and how?**

--

**9. Names of witnesses or individuals who may have knowledge of the incident(s) and their contact information:**

--

**10. Are there any documents or physical evidence supporting the incident(s)?      Yes      No**  
**If YES, please submit as attachment(s).**

--

**11. Describe the harm you believe you suffered as a result of the incident:**

--

**12. If this complaint is resolved to your satisfaction, what action or remedy are you seeking?**

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**13. What other information do you think is relevant to an investigation of your complaint?**

**Acknowledgement**

☐ I certify to the best of my knowledge the information that I provided is accurate and the events and circumstances are as I have described them. I am willing to cooperate fully in the investigation and provide whatever evidence deems relevant. I further understand that this complaint is being submitted pursuant to the Delaware WIOA Nondiscrimination Plan policy and procedures and guidelines therein.

☐ I also understand that for complaints involving Delaware WIOA Labor programs funded in whole or in part by the United States Department of Labor (USDOL), If I elect to file my complaint with the Office of the Delaware WIOA Equal Employment Opportunity Officer, I must wait until the Office of the Delaware WIOA Equal Employment Opportunity Officer issues a decision or until 60 days have passed, whichever is sooner, before filing with the United States Department of Labor (USDOL) Civil Rights Center (CRC) (200 Constitution Avenue, N.W., Room N-4123, Washington, DC 20210). If the Delaware WIOA Equal Employment Opportunity Officer has not provided me with a written decision within 90 days of the filing of the complaint, I need not wait for a decision to be issued, but may file a complaint with CRC within 30 days of the expiration of the 90-day period. If I am not satisfied with the Office of the Delaware WIOA Equal Employment Opportunity Officer's resolution of my complaint, I may file a complaint with CRC. Such complaint must be filed within 30 days of the date I received notice of the Office of the Delaware WIOA Equal Employment Opportunity Officer's resolution.

Complainant Name - Print: \_\_\_\_\_

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix: Element 8

Delaware WIOA Equal Opportunity and  
Nondiscrimination Complaint Log



## \*DELAWARE WIOA Title I Discrimination Complaint Log

Name of WIOA Service Provider:

Month/Date/Year of Submittal:

[illegible]

## CONTACT US

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If there are any questions, please contact the following EO Officers.

**Wanda Holifield**

WIOA Equal Opportunity Officer, Management Analyst

Delaware Workforce Development Board

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Fox Valley, Third Fl.

Wilmington, DE 19802

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